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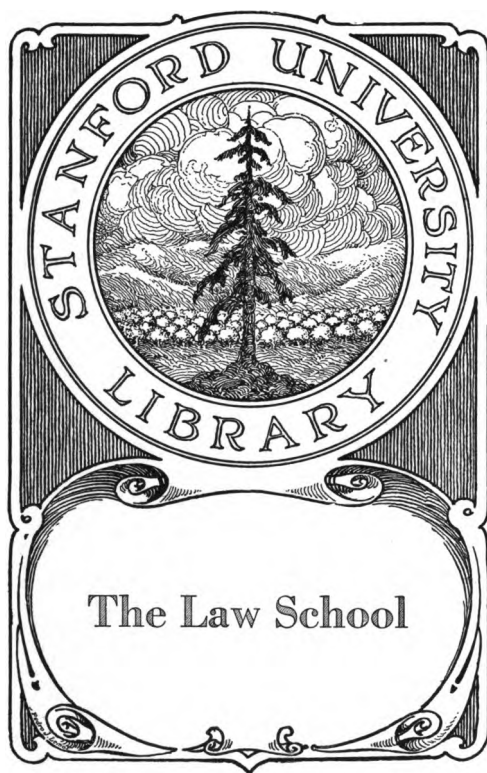
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**F. M. BAILEY, Chickasha  
President, 1917.**

**Proceedings *of the* Eleventh Annual Meeting *of the* Oklahoma State Bar Association**

Held at  
**OKLAHOMA CITY**  
**DECEMBER 27-29**  
**1917**

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**EDITED BY**  
**WALTER A. LYBRAND, Secretary**

**Oklahoma City**  
**1918**

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Oklahoma City





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7. H. H. Epperson ----- Ada
8. H. A. Ledbetter ----- Ardmore
9. H. H. Diamond ----- Holdenville
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11. Fred Green ----- Guthrie
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14. R. E. Bowling ----- Pauls Valley
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VI OKLAHOMA STATE BAR ASSOCIATION

VICE-PRESIDENTS.—(Continued.)

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| 24. | W. B. Gregg       | ----- | Pawhuska |
| 25. | Jno. D. Rogers    | ----- | Altus    |
| 26. | Baxter Taylor     | ----- | Atoka    |
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Pat Malloy, Tulsa.  
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7. -----
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9. H. H. Diamond, Holdenville; Frank L. Warren, Holdenville; John L. Norman, Okemah.
10. F. A. Bittenhouse, Chandler; Thos. H. Andrews, Stroud; Rosecoe Cox, Chandler.
11. Fred Green, Guthrie; A. G. C. Bierer, Guthrie; John P. Hickam, Stillwater.
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than, El Reno; John Tomerlin, Oklahoma  
City.
14. R. E. Bowling, Pauls Valley; W. N. Lewis,  
Davis; John E. Luttrell, Norman.
- 15-16.. Dyke Ballinger, Anadarko; L. E. Mc-  
Knight, Anadarko; J. D. Carmichael, Chick-  
asha.

VIII OKLAHOMA STATE BAR ASSOCIATION

DISTRICT COUNCIL.—(Continued.)

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J. A. Duff, Cordell.
18. -----
19. T. J. Womack, Alva; Sandor J. Vigg, Alva;  
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20. W. W. Anderson, Woodward; H. W. Patton,  
Woodward; Chas. R. Alexander, Woodward.
21. J. W. Woodford, Tulsa; Rush Greenslade,  
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22. J. E. Thrift, Sapulpa; D. A. McDougal, Sa-  
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25. John D. Rogers, Altus; L. A. Pelley, Altus;  
E. G. Roe, Frederick.
26. Baxter Taylor, Atoka; John T. Horley, Coal-  
gate; Gordon Fryer, Atoka.
27. S. E. Welch, Antlers; R. K. Warren, Hugo;  
I. L. Strange, Hugo.

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REFORM

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John Tomerlin, Oklahoma City    J. T. Blanton, Pauls Valley  
J. D. Carmichael, Chickasha    J. M. Sandlin, Duncan

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C. B. Ames, Oklahoma City    James R. Tolbert, Hobart  
B. L. Tisinger, Mangum    J. C. Monett, Norman

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IX

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A. V. Coppedge, Grove  
Second District  
W. A. Chase, Nowata              J. A. Tillotson, Nowata  
H. Jennings, Claremore

**X OKLAHOMA STATE BAR ASSOCIATION**

**INV. OF MISCONDUCT OF ATTORNEYS.—(Continued.)**

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C. L. Jackson, Muskogee      Charles A. Moon, Muskogee  
W. O. Rittenhouse, Wagoner

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C. H. Tully, Eufaula

**Fifth District**

Philos S. Jones, Wilburton      Wm. L. Crittenden, Stigler  
Joe E. Flemming, Poteau

**Sixth District**

A. H. Ferguson, Durant      J. V. Connell, Durant  
Charles P. Abbott, Durant

**Seventh District**

Robert Wimbish, Ada      J. A. Baker, Wewoka  
Fred Davis, Wewoka

**Eighth District**

J. C. Graham, Marietta      H. A. Ledbetter, Ardmore  
J. B. Moore, Ardmore

**Ninth District**

F. L. Warren, Holdenville      J. L. Skinner, Holdenville  
W. A. Huser, Okemah

**Tenth District**

F. A. Rittenhouse, Chandler      C. H. Ennis, Shawnee  
Kittie C. Sturdevant, Shawnee

**Eleventh District**

John J. Hildreth, Guthrie      Fred W. Green, Guthrie  
John P. Hickman, Stillwater

**Twelfth District**

J. F. King, Newkirk      John S. Burger, Blackwell  
P. W. Cress, Perry



INV. OF MISCONDUCT OF ATTORNEYS.—(Continued.)

Thirteenth District

Fred A. Gillett, El Reno      John M. Embry, Oklahoma City  
W. F. Wilson, Oklahoma City

Fourteenth District

H. M. Carr, Pauls Valley      E. E. Glascoe, Purcell  
John E. Luttrell, Norman

Fifteenth District

Dyke Ballinger, Anadarko      Adrian Melton, Chickasha  
Chilton Riley, Duncan

Sixteenth District

Jno. M. Young, Lawton      Guy Green, Waurika  
D. B. Madden, Walter

Seventeenth District

J. A. Duff, Cordell      Charles F. Dyer, Geary  
Geo. L. Zink, Hobart

Eighteenth District

R. E. Echols, Elk City      B. L. Tisinger, Mangum  
Arthur Leach, Sayre

Nineteenth District

T. J. Womack, Alva      J. Sandor Vigg, Alva  
E. J. Dick, Buffalo

Twentieth District

G. L. Bowman, Kingfisher      H. G. McKeever, Enid  
Charles Swindall, Woodward

Twenty-first District

L. V. Orton, Pawnee      A. J. Biddison, Tulsa  
Charles E. Rush, Tulsa

Twenty-second District

L. O. Lytle, Sapulpa      W. M. Matthews, Okmulgee  
C. B. McCrory, Okmulgee

## **XII    OKLAHOMA STATE BAR ASSOCIATION**

### **INV. OF MISCONDUCT OF ATTORNEYS.—(Continued.)**

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**A. C. Wallace, Miami                      F. D. Adams, Miami**  
**Roy McNaughton, Miami**

#### **Twenty-fourth District**

**Burdette Blue, Bartlesville    John H. Kane, Bartlesville**  
**E. E. Grinstead, Pawhuska**

#### **Twenty-fifth District**

**John D. Rogers, Altus              John B. Wilson, Frederick**  
**T. M. Robinson, Altus**

#### **Twenty-sixth District**

**D. D. Brunson, Coalgate              Geo. Trice, Coalgate**  
**J. W. Clark, Atoka**

#### **Twenty-seventh District**

**I. L. Strange, Hugo                  R. K. Warren, Hugo**  
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J. B. A. ROBERTSON, Oklahoma City



# PROCEEDINGS

## MORNING SESSION, FIRST DAY.

December 27, 1917.

PRESIDENT, FRANK M. BAILEY, Chickasha: Gentlemen of the Bar Association, the Association will now be in order.

The number in attendance will, doubtless, be augmented this afternoon but on account of the length of the program to be covered it is necessary to convene the Association at this time. Captain J. H. Grant of Oklahoma City will deliver the address of welcome to the Association.

CAPTAIN J. H. GRANT, Oklahoma City: Mr. President and Gentlemen of the Bar Association: I am sure that I will be pardoned this morning if, in view of the few members present, I find myself addressing you as "gentlemen of the jury" instead of referring to the august assembly. Those of you who are accustomed to coming to Oklahoma City and who know of her citizenship realize that it is an idle formality for any one of her citizens to address words of welcome to you. If there are any present who have never been our guests before, they too, I am sure, will agree before leaving here that mere words from any one person cannot express the welcome or extend the hospitality of Oklahoma City to those coming within her borders.

Should I follow the established custom this morning in making such an address, I would call your attention to the marvelous growth of Oklaho-

ma City, her progress materially, her enormous wealth as evidenced by the millions of dollars on deposit in her banks and the other millions and millions of dollars represented in her palatial homes. Her moral advancement as evidenced by her magnificent houses of worship and her advancement along intellectual lines shown in her splendidly equipped educational institutions. Her orphanages and rescue homes which have replaced the saloons, gambling houses and houses of prostitution. What Oklahoma City was twenty-five years ago is immaterial; what she is today is the point.

Having spoken of her material progress and having convinced you that you were visiting in the best city in the state, I would then pay a tribute to the members of this body; but I have a message more important.

Since you assembled here last, our country has become involved in the most stupendous struggle the world has ever known. A struggle so mighty in its magnitude that it staggers the imagination in trying to count even the number of men involved or the billions of dollars necessary to sustain it. The nations of the earth are in a whirlpool and they seem, in their mad reach for power, to have gone mad. That nation which we were wont to look upon as perhaps the most highly civilized, the most highly cultured, that nation whose institutions we looked upon as just a little bit superior to any in the world, has become drunken in her mad reach for power and she has committed the most ruthless crimes, she has set at naught every law that stood in the way of her progress.

No class of men in America have played a more courageous part in the foundation of this government and in maintaining and defending it than have the members of the bar, and in addressing you I need not enter in the details, indeed it would perhaps be improper should I at this time take occasion to point out the unselfish and inestimable service the Bar of America has rendered to this country. But this I would say to you: that in this hour of national crisis, Oklahoma City is proud that you are meeting within her borders. Recognizing as she does the fulness of your devotion, the depth of your loyalty, the completeness of your patriotism, she rejoices that you are here in her midst. She needs the inspiration of your presence and she would be proud to welcome you at any time but more especially at this time for there is yet to come a more serious crisis in the history of our nation.

I have referred to the nations of the earth being in a whirlpool. The civilization of the world hangs in the balance. The time has now come when this nation will recognize and respond to the fullest extent to the call that will be made upon her resources. I venture the assertion that in this struggle this country will sacrifice more men and it will cost more than all the wars in which it has ever heretofore been engaged. The time will come when the casualty lists will color the entire issue of an ordinary newspaper, if we have such casualty lists as England has had in recent months. Casualty lists running from fifteen to thirty thousand. A few homes have been darkened already by the report of lives sacrificed. The time is coming when many

homes will be touched and when the report shall come of cruelties, of the ruthless and cowardly murder that has reached England and our other allies, there will be such an uproar in this country, such a demand for revenge, that then it is, in my opinion, that the greatest crisis will arise in this country. Then it is that our civilization must not go down. Our standard of right and wrong must be maintained, and in that hour the Bar can be depended upon to show its worth, its fidelity, its patriotism. It can be depended upon to put the nation before clientage, the state before personal gain and in that hour your wise counsel must prevail. We must not permit our civilization to be lost. We must emerge from this conflict with higher ideals, with a higher civilization and with a Bar composed of men who are educated, men of the finest minds whose wise counsel has prevailed in the past; we must look to it in that hour that we give that wise counsel that will preserve civilization to the world.

I say, Gentlemen of the Association, that Oklahoma City is proud of the fact that you are meeting within her borders in this hour of crisis. It may be that you will meet here some old friend on whose face you always saw a smile and upon whose lips there was always a word of greeting, whose hand-clasp was always warm and cordial but upon whose face you may now see an expression of sad anxiety, on whose lips a question trembles and whose hand grips so fiercely as almost to cause you to wince. That man's country is at war. That man is wondering. There trembles upon his lips the question—will my son or brother or other loved one be suffi-



cient to stem the tide or will others have to go? So gentlemen, attribute not his manner to lack of welcome or to inhospitality. Conditions have changed and a dark shadow is thrown athwart our pathway. It may be, too, gentlemen, that while a guest in our homes that you will observe that there is not that abundance of meats and sweets and other things on our tables as in former years, but ascribe not that to lack of hospitality. Your hostess is but conserving the nation's food supply. It may be, gentlemen, that in passing the door of your hostess you might see it standing slightly ajar and you may see her kneeling with hands clasped in an attitude of prayer. That, gentlemen, is not lack of hospitality. From her we have learned true loyalty and patriotism. From her we have learned to love our country and to love its flag. For her we have refused to yield our national honor. For her we have refused to stand back. For her we have unsheathed our swords and bared our breasts to the enemies' trust. For her and in defense of her freedom and of her right to the enjoyment of life and liberty and the pursuit of happiness the strength and might of America has gone forth to battle. For her and for what she stands for the American soldier will stand until the last battle is fought in this great struggle.

Then, gentlemen, this nation will preserve the civilization of the world and will have made the world a better and safer place in which to live than it is now. Then we will dictate the terms of peace and will preserve the rights of humanity and give to millions of people the blessings of liberty and of life and of the enjoyment of life in the pursuit of

happiness that have never enjoyed that blessing before.

I say, gentlemen, again, that in this hour of national crisis, Oklahoma City is proud that you are meeting within her borders and in her name I bid you welcome, yea, thrice welcome.

I thank you.

THE PRESIDENT: Mr. B. M. Parmenter, who was to have responded to the address of welcome, having advised me that he is unable to be in attendance, Mr. E. E. Grinstead of Pawhuska has very kindly consented to respond in behalf of the Bar Association. I now have the honor of presenting to you Mr. Grinstead.

MR. E. E. GRINSTEAD, Pawhuska: Mr. President and Gentlemen of the Association: I think there is none other of our membership, so far as I am able to call to mind, who could so well have responded to the eloquent words of Captain Grant as B. M. Parmenter. We all know him and to know him is to love him. We delight to hear the ripple of his silvery voice and I know that you feel as I do, that you are suffering a loss at this time not to be able to sit at his feet and to listen to his eloquent words.

Referring to the words of our brother, Captain Grant, I am sure that we fully appreciate them.

Members of the Bar Association, if in the past there has been some little contention between Oklahoma City and some of the other cities of this state, we know that in this hour of crisis in our nation's history, all small differences are forgotten and that

now we appreciate very much the opportunity we have of coming to this city and of mingling with the distinguished members of your bar and to learn of them. Indeed, we are living in a great day and in a great age, also we are living through a great crisis. We do not know, we cannot begin to surmise, what is in store for us. The headlines of the morning papers are startling. From day to day we do not know what the message from the battle front may be. We do not know how soon we will be called upon to do our bit, not alone behind the battle line but even in the battle line itself. For that reason we doubly appreciate the privilege of being your guests and of enjoying your hospitality. We may not know at this time why this war is upon us. We do not know why this crisis now confronts us, but we do know that the lawyers in this country are patriotic; we know that the lawyers of this country have always been patriots and we know that at this time whatever the service asked, whether it be in the battle front or in assisting with the Red Cross campaign or at home helping to finance the greatest war that history has ever seen, the lawyers of Oklahoma are ready; they will be true. We appreciate the opportunity of coming here; we appreciate the opportunity of looking upon your material prosperity and the progress of your beautiful city; we appreciate the privilege of being guests in your homes, but above everything else we appreciate this opportunity of meeting and mingling with your distinguished bar; of drawing inspiration from them so that we may go back home stronger lawyers and better patriots than we have ever been before. I thank you.

**THE PRESIDENT:** Next on the program is the president's address.

Address read by the **PRESIDENT, FRANK M. BAILEY**, of Chickasha.

(See Appendix, page 52.)

**E. G. McADAMS**, Oklahoma City: In line with the suggestion of our President, I at this time desire to offer a motion that all members of this Association now in the service in the army of this republic be retained as members of this Association without paying any dues from the date of their entry into service and further for one year after their discharge from service in the army, and further that the Executive Committee of this Association be directed to obtain the names of every lawyer of this state now in service in the army of the United States and that they be directed to take such steps as are necessary for the protection of the families of such lawyers during the term of their service.

**R. A. Tolbert**, Hobart: Will the gentleman permit a suggestion?

**MR. McADAMS:** Yes, sir.

**JUDGE Tolbert:** Then I would suggest that you amend your motion to include all members of this Association serving in the navy of the United States.

**MR. McADAMS:** I do so amend the motion to include all members serving in the army or the navy of the United States.

**THE PRESIDENT:** Is there a second to the motion?

The motion is seconded.

The motion is carried.

MR. McADAMS: Mr. President and Gentlemen of the Association: I do not want to break into the regular program but I have sat here and listened to the able address of the President as well as to the eloquent address of the gentlemen who made the address of welcome and to the responsive address, and it is plain to be seen that this is a war program, therefore I believe it to be not improper to offer at this time the following resolution:

RESOLUTION.

WHEREAS, it is no longer an open question that this war was brought on with the purpose to establish throughout the civilized world a military autocracy; and,

WHEREAS, we are convinced that the future freedom and security of our country depend upon the defeat of the German military power in the present war; and,

WHEREAS, there is no room now for argument as to whether we should or whether we should not be in the war, we are in it and must, therefore, at any price win, in order that the liberty, independence and justice which our people have so long enjoyed, may not be crushed and dominated by military autocracy;

THEREFORE, BE IT RESOLVED, that the Oklahoma State Bar Association declare itself absolutely and unqualifiedly loyal to the Government of the United States, and we urge the most vigorous possible prosecution of the war, with all the strength of men, materials and money which the country can supply, and

condemn all attempts in Congress and out of it to hinder and embarrass the Government of the United States in carrying on the war. We deem all such attempts to be in spirit pro-German and, in effect, giving aid and comfort to the enemy.

MR. McADAMS (continuing): I move the adoption of that resolution.

The motion is seconded.

THE PRESIDENT: Gentlemen, you have heard the resolution. Is there any discussion? If not, those in favor of the resolution signify by saying aye; opposed no. The resolution is adopted.

THE PRESIDENT: The Committee on Jurisprudence and Law Reform, Mr. E. E. Grinstead, chairman.

E. E. GRINSTEAD, Pawhuska: Mr. President and members of the Bar Association, your Committee on Jurisprudence and Law Reform beg leave to submit the following report:

(See Appendix, page 157.)

Moved, seconded and unanimously voted that the report be adopted.

THE PRESIDENT: At this time I desire to announce that Judge Harry L. Fogg, El Reno, Chairman of the General Council, desires to meet the members of the Council in Parlor F.

We will now hear the report of the delegates to the American Bar Association. Mr. E. E. Grinstead will read the report.

Report read.

(See Appendix, page 173.)

JUDGE JOHN H. BURFORD, Oklahoma City: I move that the Oklahoma State Bar Association adopt the resolutions embodied in this report of the delegates to the American Bar Association.

The motion is seconded.

The motion is unanimously carried.

THE PRESIDENT: Gentlemen of the Association, at this time I desire to make the announcement that Governor Williams will entertain in honor of the Oklahoma State Bar Association with a reception in the Governor's reception rooms at the State Capitol this afternoon at 4:30 o'clock. I presume all the members of the Association will desire to attend that reception and in order to finish our program for the afternoon session it will be necessary to begin promptly at 1:30. I am advised that cars for the transportation of the members of the Association will be on hand in front of this hotel at four o'clock this afternoon to take the members to the State Capitol.

If there is no objection at this time the Association will stand adjourned—

MR. B. B. BAREFOOT, Chickasha: Mr. President, there have been a great many inquiries as to the exact hour when the paper of Judge Stuart will be given. Can we be advised as to that?

THE PRESIDENT: The paper appears on the program as the first at the afternoon session. There will be a few committee reports that have been passed this morning. I understand that Judge Stuart is here. I think the paper will be given not later than 2:30. The Association will stand adjourned until 1:30, gentlemen.

**AFTERNOON SESSION, FIRST DAY.**

December 27, 1917. 1:30 o'Clock P. M.

**THE PRESIDENT:** Gentlemen, the Association will be in order.

Next in order on the regular program comes the paper of Judge C. B. Stuart. It is now my pleasure to present to you Judge Stuart of Oklahoma City.

**JUDGE C. B. STUART:** It is not my usual custom to read a paper before such an assemblage as this but in this instance I have prepared my paper because of the fact that the topic assigned to me for discussion, that of "The Lawyer's Relation to the World War," is one which requires the most minute accuracy of statement.

Paper read.

(See Appendix, page 108.)

**THE PRESIDENT:** The next paper on the program is one on "Workman's Compensation Law," by Mr. J. S. Ross of Oklahoma City.

I now have the honor of presenting to you, gentlemen, Judge J. S. Ross of Oklahoma City.

**JUDGE ROSS:** Mr. President and Gentlemen of the Association: It seems to me as if it was a great injustice to me to be put upon this program following a man of such eminent ability as Judge Stuart who discussed a subject of such intense interest to every member of this Bar Association and to everybody else and then to follow with a discussion of the workman's compensation law, a subject in which the lawyers have very little interest at any time and at



this time have no interest whatever, it being a subject which, the chances are, will never be of much interest to us again, seems unfortunate.

Paper read.

(See Appendix, page 121.)

THE PRESIDENT: I desire to announce again at this time that the Governor will entertain in honor of the Bar Association at the State Capitol at 4:30 o'clock this afternoon. Cars for the transportation of the members will be in front of this building immediately after four o'clock.

THE PRESIDENT: We will now have the report from the General Council.

MR. RALLS: The General Council of the Oklahoma State Bar Association recommends that the following named persons be elected to membership in the Association:

1917 APPLICANTS.

S. P. Keith, McAlester.

Jno. B. Wilson, Frederick.

W. G. Roe, Frederick.

Guy A. Manatt, Enid.

John F. Curran, Enid.

O. J. Flemming, Enid.

C. D. Roseman, Enid.

Robert E. Smith, Enid.

Henry J. Sturgis, Enid.

W. L. Moore, Enid.

A. L. Zinser, Enid.

J. A. Lee, Enid.

Jas. B. Cullison, Enid.

J. W. Bird, Enid.

M. C. Garber, Enid.  
W. R. Gregg, Pawhuska.  
Paul N. Humphrey, Pawhuska.  
Paul J. McCarty, Oklahoma City.  
D. M. Cavaness, Chickasha.  
Thos. J. O'Neil, Chickasha.  
Jas. W. Cosgrove, Muskogee.  
Chas. A. Holden, Pawhuska.  
Jesse J. Worten, Pawhuska.  
M. L. Holcombe, Pawhuska.  
W. H. Harrison, Poteau.  
Geo. G. Reeves, Tulsa.

H. L. Fogg, *Chairman*.

THE PRESIDENT: Gentlemen, you have heard the report of the General Council. What will you do with report?

MR. J. S. ESTES, Oklahoma City: Mr. President, I move the adoption of the report of the General Council.

The motion is seconded.

THE PRESIDENT: Gentlemen, it is moved and seconded that the report of the General Council be adopted. Any discussion? If not, all in favor of the adoption of this report signify by saying aye; opposed no. The motion is adopted.

The Secretary, Mr. Lybrand, having reported to me that there are some reports from committees who desire them to be read, the Association will now hear the report of the Committee on Commercial Law, the report having been mailed to the Secretary by the Chairman of that committee, Mr. John D. Mosier, Muskogee.

The report is read.

(See Appendix, page 179.)

THE PRESIDENT: Gentlemen, you have heard the report of the Committee on Commercial Law. What will you do with this report?

J. G. RALLS, Atoka: Mr. President, I move that the report be adopted.

The motion is seconded.

THE PRESIDENT: Gentlemen, it is moved and seconded that the report of the Committee on Commercial Law as read by the Secretary be adopted. Any discussion? If there is no discussion those in favor of the motion may signify by saying Aye, opposed No.

The report is adopted.

THE PRESIDENT: The Chairman of the Committee on Grievances has also forwarded his report to the Secretary.

The Secretary will read the report of this committee of which Mr. J. H. Gordon of McAlester is chairman.

The report is read.

(See Appendix, page 181.)

THE PRESIDENT: Gentlemen, what action will the Association take with reference to this report?

MR. RALLS: I move that the report be filed without action.

The motion is seconded.

THE PRESIDENT: Gentlemen, it is moved and seconded that the report of the Committee on Grievances be filed without action. Any discussion? If

not those in favor of the motion signify by saying Aye, opposed No.

The report will be received and filed.

THE PRESIDENT: Is there any other report?

THE SECRETARY: The report of the Committee on Legal Ethics, Mr. J. A. Duff, Cordell, Chairman. Mr. Duff is not able to be present.

THE PRESIDENT: We will now listen to the reading of the report of the Committee on Legal Ethics.

The report is read.

(See Appendix, page 182.)

THE PRESIDENT: The Association has heard the report of the Committee on Legal Ethics. What will you do with this report, gentlemen?

MR. J. G. RALLS: I move that the report be approved.

MR. JOE D. MITCHELL, Pawhuska: I second the motion.

THE PRESIDENT: It is moved and seconded that the report of the Committee on Legal Ethics be approved. Any discussion? If not, those in favor of the motion signify by saying Aye, opposed No.

The report is approved.

MR. J. G. RALLS, Atoka: Mr. President, I want to offer a resolution which I do not want acted upon until tomorrow. It is in regard to the paper read by Judge Stuart. I know from experience that there has been a great misunderstanding about the cause of the war and the reason for the United States being in the war and I know that only a short time ago

many of the lawyers had reach the conclusion that no one really knew the cause, and for that reason I want to move that the paper on "The Lawyer's Relation to the World War," read before this Association, be printed and a copy thereof be sent to each newspaper, lawyer and school teacher in the State of Oklahoma.

THE PRESIDENT: Do I understand you, Mr. Ralls, that you want the question to go over until tomorrow?

MR. RALLS: I do not desire to have the Association act now for the reason that I have not consulted Judge Stuart.

THE PRESIDENT: Are there any other matters to come before the Association?

W. H. HILLS, Enid: Mr. President and Gentlemen of the Association: I have listened with a great deal of satisfaction and benefit to the paper read by Judge Stuart. I think it is the first clear and logical statement of the matter that I have ever heard from an authoritative source and I am heartily in accord with the resolution of Mr. Ralls, but I think this Association should first go on record as approving the paper read by Judge Stuart and I therefore desire to offer an amendment to the motion of Judge Ralls to the effect that the paper read by Judge Stuart be approved by this Association.

MR. W. A. LEDBETTER, Oklahoma City: I move that the resolution of Mr. Ralls be adopted at this time.

MR. HILLS: I think the paper should first be approved by this Association.

THE PRESIDENT: Gentlemen, you have heard the motion and the amendment, the amendment being that, as I understand it, this Association approve the paper read by Judge Stuart and that the resolution presented by Mr. Ralls be adopted at this time.

MR. RALLS: For the benefit of those who object to the expense, I will say that there are 12,000 school teachers in this state who are being asked questions along the line of the matter discussed in the paper read here every day and that in order to send this pamphlet out to them contributions will be made so that this will not come wholly out of your treasury.

THE PRESIDENT: Is there any further discussion upon this motion? If not, those in favor of the motion as amended signify by saying Aye, opposed No.

The motion is unanimously adopted.

THE PRESIDENT: Are there any other matters to be brought before the Association?

If there are no other matters to come before the Association, we will stand adjourned to attend the reception of the Governor at the State Capitol. The cars for the transportation of the members to the Capitol will be found in front of this building at four o'clock.

The Association will stand adjourned until tomorrow morning at 9:30 A. M.

### MORNING SESSION, SECOND DAY.

December 28th, 10 o'Clock A. M.

THE PRESIDENT: The Association will be in order.

We have present Mr. D. A. McDougal, who has kindly consented to read a paper on the War Tax.

It is now my pleasure to present to the Association Judge D. A. McDougal of Sapulpa.

JUDGE D. A. McDOUGAL, Sapulpa: Mr. President and Gentlemen of the Association: I wish to apologize for my paper. I have just returned from Washington and got into this city last night without my paper being prepared, so that of necessity it has been prepared ver hastily, consequently it is somewhat disconnected; however, I hope there will be some information in it which will be of value.

Paper read.

(See Appendix, page 135.)

JUDGE JAS. R. TOLBERT, Hobart: Mr. President, personally I have enjoyed very much hearing the paper of Judge McDougal. It contains information very valuable to the members of this Association especially at this time, and I therefore move that the Association print a sufficient number of copies of this paper to mail out to each member of this Association on or before February 1st, 1918, if Mr. McDougal is willing to edit the paper so that that can be done.

The motion is seconded.

THE PRESIDENT: Gentlemen, it is moved and seconded that the paper as read by Judge McDougal, edited and with such corrections or additions as he desires to make, be printed and mailed out to the members of the Bar Association not later than February 1st, 1918. Any discussion? If not, those in

favor of the motion signify by saying Aye, opposed No.

The motion is carried.

THE PRESIDENT: The report of the Special Legislative Committee has been passed because of the absence of the chairman of that committee. Judge Ames is chairman of that committee and is now present in the Association. Judge Ames, are you ready to report for that committee?

Judge C. B. Ames reads the report of the Committee on Special Legislation.

(See Appendix, page 186.)

THE PRESIDENT: Gentlemen, you have heard the report of the Special Legislative Committee. What will you do with this report?

MR. McADAMS: Mr. President, I move that the report as read by Judge Ames be approved by the Association and that the Association make the recommendation embodied in the report to the Supreme Court of Oklahoma.

The motion is seconded.

THE PRESIDENT: Gentlemen, it is moved and seconded that the report of the Special Legislative Committee be approved; is there any discussion?

All in favor of this motion signify by saying Aye, opposed No.

The reported is approved.

JUDGE SAM HAYES, Oklahoma City: Mr. President and Gentlemen of the Association: I was permitted to hear only a small part of the address of Judge McDougal but I was very much interested in



the part that I did hear and I am very glad to know that we are to have copies of that paper printed for the lawyers as I am sure that there is much in it of benefit to the bar and much information that may be gained from it can be used to great advantage in connection with the work of the citizens of the state. We have another line of war work in which one member of the bar especially is rendering very effective service and I believe that each and every member of the bar who have not talked with him should do so for I know they can gain some very valuable information. I see Mr. Claude Weaver is present and I wish that he might be asked to address the Association for a brief time, and he will be brief, although I have no promise of brevity from him, upon the War Saving Stamp as that is directly in his line and I believe that he will be able to say something that will be worth while. I move that Mr. Weaver be now asked to address the Association.

The motion is seconded.

THE PRESIDENT: It has been moved and seconded that Mr. Claude Weaver be asked to address the Association upon the Thrift Stamp or the War Saving Stamp, the subject as mentioned by Judge Hayes. If Mr. Weaver is present will he be kind enough to come forward?

Gentlemen, I have the pleasure of presenting to you Mr. Claude Weaver, the postmaster of Oklahoma City.

MR. CLAUDE WEAVER: Mr. President and Gentlemen of the Association: I assure you that I feel more than words can tell, the honor of the invitation

to deliver a short speech to these lawyers. I confess to you that I never think of the status of the lawyer without a sense of profound regret. I devoted the best period of my flowering youth to the practice of the law, and while there is in the public service a singular fascination, there is in politics an attraction which appeals to many distinguished lawyers, yet I give you my deliberate judgment, based upon the experience of having held high public positions in politics for years, that the lawyer who gives up his profession for even the highest place in politics, like Esau "sells his birthright for a mess of pottage."

The lawyer is the most independent man in society. He has no need to crook the pregnant hinges of the knee where thrift may follow fawning. He wears no man's collar. He is the captain of his own soul.

When I think of the profession of the law, so ancient and so noble, and of my brethren of the bar, I remember the answer that Agnes Wakefield gave to David Copperfield, "David, I have loved you always."

I am here to explain to you the new system of raising money for the war by collecting the small savings from the masses of the people.

Our nation is at war. How difficult for us to realize! How incredible it seems! Through no fault of the United States, after exhausting every effort to avoid war, after making every concession except the unconditional surrender of the national honor, our country has been dragged as if by some hideous monster of evil into the most terrible of all

the wars that ever cast the black blight of hell upon the children of men.

Our government had just three great fundamental policies. First, the Monroe Doctrine—that no European nation should interfere with affairs on this continent, and its converse, that we would never interfere in anywise in European affairs. Second, that in the event war did arise between the nations, that the ocean, the broad highway of the commerce of the world, where no nation can claim dominion, and where time writes no wrinkle on its azure brow, should remain free to all the nations for the world's commerce. Third, that all controversies between nations should be settled in some great international tribunal, just as our great federal tribunal is vested with jurisdiction to determine all controversies between the forty-eight sovereign states of this republic.

With three thousand miles of blue Atlantic between us and Europe; devoted to the policies of peace; loving peace and hating war—our only thought was to dwell in peace and safety, and to develop the resources of our country, and to nurture the ideals of our people.

If at the outbreak of the war we had any feeling, any bias in favor of any European country, it was in favor of Germany, because of the thousands of German citizens in this country—our friends and neighbors, many of them among our best citizens.

We sent our boys to the great German Universities like Heidelberg, to learn the songs of Schiller, the divine dramas of Goethe, and to drink of the foun-

tain of philosophy at the feet of the world's great master, Emanuel Kant.

We were friends of the Germans. But the Germans violated all the laws of humanity and all the laws of nations. They violated the Monroe Doctrine when Zimmerman, the German Minister of Foreign Affairs, on January 19, 1917, wrote to the German Minister in Mexico to propose to the Mexican government an alliance of Germany, Japan and Mexico to make war on the United States; said war to be financed by Germany, and Mexico to reconquer the lost territory of New Mexico, Arizona and Texas.

I see here my good friend, Walter Ledbetter, who was born beneath the heliotrope skies of Texas, and he will swear to you that all the Germans and Mexicans in the world could not wrest one acre of barren soil north of the Rio Grande from the imperial commonwealth of Texas.

Germany filled our land with spies. She sank our ships and made war on women and children. She murdered 226 American citizens. War on the United States was made by this vandal, robber, savage, outlaw nation, Germany.

On April 6, 1917, the American Congress recognized the state of war thus thrust upon the United States by Germany; gave to the President the plenary power to employ the resources of the government to carry on the war, and pledged all the resources of the American people to win the war.

What has your great President done? He has forgotten all about politics. He sent the greatest Republican, Elihu Root, a man who stands among

his fellows like Saul among the Israelites, head and shoulders above the rest, to head the commission to bring relief to stricken Russia. He took Bainbridge Colby, the leader of the Progressives, for the Shipping Board, and put red-headed Vic Murdock of Kansas, known and loved of all men, on the Trades Commission. He then called together the great captains of industry like Daniel Willard, Howard E. Coffin, Henry Ford, Julius Rosenwald, Robert S. Lovett, Samuel Gompers and Frank Vanderlip to help him build the greatest war machine the world ever saw.

And they are building it. Frank Vanderlip, the president of the National City Bank of New York, gave up his job with a salary of one hundred thousand dollars a year to work for the government at one dollar a year.

It takes money to win this war. Part of that we get by the War Tax. Posterity, which will reap the benefits of victory and be blessed by the liberty that we win, must help us to bear the burden of the war. So the government borrows money and posterity will help us to pay.

You know all about the Liberty Bonds. Frank Vanderlip devised this proposition that I want to explain to you, the sale of the War Savings Certificates. It is proposed during the year 1918 to raise two thousand million dollars by the sale of Thrift Stamps and War Savings Certificates. The Thrift Stamps sell for twenty-five cents. Children can buy them. They encourage thrift and love of country. We instill patriotism and develop character in our children when we teach them to save their money

and buy Thrift Stamps. For \$4.12 any postmaster and thousands of other agencies will sell \$5.00 worth of Savings Stamps. The investment pays four per cent interest compounded quarterly. On the 1st day of January, 1923, the government will redeem these stamps at five dollars face value. It is a proposition that appeals to the poor and to all the masses of our people. I consider it one of the splendid and great achievements of the government, and I ask you, lawyers, leaders and molders of thought in our state, to help me advertise and to help me preach the great advantage of this proposition. Ignorance is the only darkness. The only thing needed is to disseminate this gospel among the masses. They will buy.

What is the security? Just the faith and credit of a government with which a treaty is more than a scrap of paper. A government that never broke its word. Yea, and more. The taxing power that can take all the wealth of the nation; every dollar in the banks; all the property of the people; and in addition to that, all that labor can produce by the hands of industry for a thousand years. Every alfalfa field, the haunt of the bees in the spring time, all the wheat fields whitening into harvest. Every valley that renews its youth year after year like the eagles, all these are mortgaged to secure the payment of the obligations of the government.

I would like to make you a war speech, but I must close. I have talked too long already, although I could talk upon this theme until the sun died and the moon waxed and waned and the golden stars sprinkled the purple skies.

What we are fighting for you all know. The

President has told you in his immortal message to Congress.

“It is a distressing and oppressive duty, Gentlemen of the Congress, which I have performed in thus addressing you. There are, it may be, many months of fiery trial and sacrifice ahead of us. It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts,—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free people as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.”

Sir Ernest Shackelton, the great explorer, just returned from the Anarctic, gave this message to the Australian people. He said: “Here in Australia the call to service comes loud and clear. I speak to you as one who has followed the King’s flag in the white warfare of the Antarctic and who now goes to serve in the red warfare of Europe. I say to you men that this call means more than duty, more than

sacrifice, more than glory. It is the supreme opportunity offered every man of our race to justify himself before his own soul. Love of ease, love of money, love of woman, love of life, all these are small things when weighed in the scale against your manhood."

When will the war end We do not know. We do not know when it will end. We do know how it will end. It will end when we have won all the things we are fighting for and when the world is made safe for democracy. Sacrifices must be made, and that of the most sickening, terrible kind. Our boys are going away to the fields of France, to the trenches where vast armies burrow like moles and where hideous engines of death, bombs and poison gases blind, maim and scar, and where death rides on every wind; but they will win for us. And the millions must work at home; work for those who fight; to give them the best food, the best clothes, the best guns, of any soldiers in the world.

#### WITH HIM ABOVE.

To ratify the work we may again  
Give to our tables meat, sleep to our nights  
Free from our feasts our banquets bloody knives  
Do faithful homage and receive free honors  
All which we pine for now.

There are two things that the German Kaiser must learn. The first is Retribution. All great Neptune's ocean cannot wash away the bloodstains from his murderous hands. And the other word in Restitution.

The Germans crucified three Canadian soldiers whom they captured in battle. Infinite cruelty! Yet



nothing compared to the crucifixion of a nation. Crucified Belgium must be restored; Poland reestablished as a sovereign nation; Serbia released from the hands of the robber; Trent and Trieste, the brightest jewels in the crown of Italy, given back, and the mourning taken down for all time from the statue in the City of Paris, sacred to Alsace and Lorraine.

We do know when this program, favored of Heaven, will be achieved; when the world's peace will be attained. But my prophecy is that the Germans will yield only when they are crushed and that peace will be attained and the war be at last over when the American soldier shall draw his bridle rein for his horse to drink of the waters of the river Rhine, and when the American flag shall float in triumph over the lindens of Berlin.

Gentlemen, I thank you.

THE PRESIDENT: Gentlemen of the Association, the next paper on the program is one on The United States District Court by Judge Ralph Campbell of Muskogee, who is known to all of you as one of the most able and distinguished representatives of the Federal Courts in this state. I now have the honor of presenting to you Judge Ralph Campbell of Muskogee.

Paper read by Judge Ralph Campbell of Muskogee.

(See Appendix, page 97.)

THE PRESIDENT: I am glad to announce to the Association that our distinguished guest of honor, Governor Chas. H. Brough of Arkansas, is present

and will address us this afternoon. In this connection also I desire to state that we have been advised that it will be necessary for the management of this hotel to have this room at four o'clock this afternoon in order to make the arrangements for the banquet this evening. We therefore request that the members of the Association meet here for the afternoon session promptly at 1:30 o'clock.

JUDGE C. B. AMES: At what hour will Governor Brough of Arkansas speak this afternoon, may I ask, Mr. President?

THE PRESIDENT: Immediately after the unfinished business, I believe; not later than 2:30 o'clock anyway.

In departing from the regular order of our program because of the absence of some of the chairmen of committees we have passed over the report of the Committee of Law Reporting and Digesting, Mr. S. H. Harris, Chairman. We will have that report now. Judge Harris.

S. H. HARRIS, Oklahoma City: Mr. President and gentlemen of the Association: I have been able to confer with a majority of my committee and we have decided that the best thing for us to do in the way of a report is to adopt the report of the similar committee of the American Bar Association.

The report of the Committee on Reports and Digests presented at the meeting of the American Bar Association at Saratoga Springs, N. Y., September 4, 5, 6, 1917, was here read as the report of the Committee on Law Reporting and Digesting in the Oklahoma State Bar Association.

(See Appendix, page 165.)

**MR. HARRIS:** It is perhaps unnecessary to follow the suggestions of the committee with reference to the proper classification of the statutes. That has already been brought to a state of perfection by the member of the committee making this report as you are all aware.

**MR. PRESIDENT:** Gentlemen of the Association, you have heard the report of the Committee of Law Reporting and Digesting. What will you do with this report?

**MR. NOFSINGER:** I move that the report of the Committee on Reports and Digests given at the American Bar Association at the annual meeting in 1917 be adopted as the report of the Committee on Law Reporting and Digesting of this Association and that the Secretary of this Association be instructed to furnish to each of the judges of the Supreme Court a copy of this report as well as a copy of the resolution passed by the American Bar Association.

The motion is seconded.

The motion is carried.

**THE PRESIDENT:** Is there an announcement to be made by the Banquet Committee?

**MR. E. G. McADAMS, Oklahoma City:** Mr. President and Gentlemen of the Association: I wish to announce that tickets for the banquet can be secured from the young lady in the corridor and the members are urged to secure them promptly. The banquet will be held in this room at 6:30 this evening. And now, on behalf of Mr. Ralls and Mr. Vaught, the two members of this committee who have had

charge of the menu and for their protection, I wish to request that each member attending the banquet, upon receiving his menu card and reading the same, shall destroy it promptly so that Mr. Hoover shall not learn of the transgression of his rules.

THE PRESIDENT: In the absence of any objection the Association will stand adjourned—

MR. ROGERS, Tulsa: Just one moment, Mr. President. I would like to ask Judge McDougal, for the benefit of myself and others equally interested, whether the conclusions reached in his paper and which are of very great benefit to us all and which we appreciate very much, are his own conclusions or were they based upon any departmental rulings.

JUDGE McDOUGAL: Largely upon departmental rulings.

MR. ROGERS: I do not mean to suggest that we have not the highest regard for the conclusions which might have been reached by you, Judge, but I do think it is important and I am glad to know that they are based upon departmental rulings as it gives us of course more confidence. I have had some little experience with my own conclusions and sometimes have been greatly surprised to learn by the decision of the court that there was a great variance between my conclusions and those of the court. I thank you, Judge McDougal.

MR. JOHN E. TURNER, Holdenville: Mr. President, there is another matter which presents itself at this time. That is concerning the members of this Association who are now serving in the army. I think they should be taken care of and I move that the Secretary be instructed—

**THE PRESIDENT:** That matter has already been attended to, Mr. Turner, earlier in the meeting.

Gentlemen, the Association will stand adjourned until 1:30 o'clock this afternoon.

# AFTERNOON SESSION, SECOND DAY.

December 28, 1917. 1:30 P. M.

**THE PRESIDENT:** The Association will please be in order.

Gentlemen, there was one committee report that was passed this morning.

Do I understand that the Committee of Uniformity of Law is ready to report? Mr. Henry E. Asp, Oklahoma City, is chairman of that committee and I believe the report is in the hands of Judge Eagleton. We will now listen to the reading of that report by Judge Eagleton.

Judge Eagleton read the report.

(See Appendix, page 189.)

**THE PRESIDENT:** Gentlemen, you have heard, read the report of the Committee on Uniformity of Laws. What action will you take with reference to it?

**MR. C. K. TEMPLETON, Pawhuska:** I move that the report be accepted and filed.

The motion is seconded.

The motion is carried.

**THE PRESIDENT:** We will now have the report of the Secretary, Mr. Lybrand.

The report of the Secretary is read by Mr. Lybrand.

See Appendix, page 157.)

MR. LYBRAND (after reading report): Mr. President, I ask that an auditing committee be appointed to audit this report and report on the same before the adjournment of this meeting if possible.

THE PRESIDENT: I have the authority, I presume, to appoint this committee and will now appoint an auditing committee composed of E. E. Grinstead, Mr. Guy Green to audit this report and make a report on the same during this meeting.

We will now have the report of the Treasurer.

Is the Treasurer present? Mr. Templeton.

MR. TEMPLETON: This report is complete except for one check given since Monday. This check was given to Mr. Lybrand during this meeting and was for the amount of his salary as Secretary of the Bar Association.

The report of the Treasurer is read.

(See Appendix, page 158.)

THE PRESIDENT: The same committee just appointed to audit the report of the Secretary will stand as an auditing committee to audit the report of Treasurer.

Does the Association desire to take any action with respect to the report of the Treasurer at this time?

MR. McADAMS: I move that the report be received and filed.

The motion is seconded.

THE PRESIDENT: The motion is that the report of the Treasurer be received and filed. All in favor of this motion signify by saying Aye, opposed No.

It is so ordered.

**THE PRESIDENT:** Is there any unfinished business to come before the Association? Mr. McAdams.

**MR. McADAMS:** Mr. President and Gentlemen of the Association: It is my conviction that whereas many duties devolve upon the legal profession of this state in this great crisis and because there are in this state many soldiers and many families of soldiers who will be in need of legal advice and who should be assisted in every way possible by the bar of the state in order that the interests of these soldiers and of their families may not suffer during their absence, and in view of the fact that the bar is constantly called upon by the different organizations throughout the state, such as the Red Cross the Liberty Bonds, etc., which have for their purpose the furtherance of this war, I believe that this Association should take some action in the matter of offering our services to the United States Government and in letting the world know how we stand upon this question. I also believe that we owe a duty to every soldier in this state now serving in the army or the navy of the United States and in order that these views may be expressed by this Association, I desire to offer this resolution.

The following resolution is read.

**BE IT RESOLVED,** that the Executive Committee of this Association be and it is hereby authorized and empowered to use such funds of this Association as it may deem proper for the aid of any board or commission, or any department of the national government in the prosecution of the present war.

**BE IT FURTHER RESOLVED,** that this Association tenders through its Executive Committee its serv-

ices free of charge in the Courts of Justice of this State to all soldiers of the State who are unable to employ counsel, or whose interest might be affected on account of the absence of such soldier, who are new serving or may hereafter serve in the armies and navy of the United States.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to each of the Judges of the United States District Court, and to each of the District and County Judges of the State.

MR. McADAMS (continuing): I move the adoption of this resolution.

The motion is seconded.

THE PRESIDENT: Gentlemen of the Association, you have heard the reading of the resolution and the motion that the same be adopted. Is there any discussion?

HON. ROBT. L. WILLIAMS, Governor of Oklahoma: Mr. Chairman and Gentlemen, if you are going to carry that out it will be necessary to see that the Local Bars carry out their part of it. How will you provide for that?

MR. McADAMS: By notifying all the District and County Judges as well as the United States District Judges, and if not by any assistance we can to the Executive Committee of the State Bar Association.

GOVERNOR WILLIAMS: That is true, but a great many soldiers may be sent whose counsel may not be members of the Bar Association or the local associations.



MR. McADAMS: We cannot make them do anything—

THE GOVERNOR: There might be some provision made by which with the power of this organization behind it such work could be done, otherwise the resolution might stand subject to the judges of the several courts to take the matter in hand. They have the power and they, not the Bar Association, would administer it.

MR. McADAMS: I offered it in this form with the provision that a copy be sent to each of the judges for the reason that they could inform the litigants that the Executive Committee of this Association would furnish counsel to the wife or family of any soldier without charge where he was not able to pay for it, and for the reason that it gives us a chance to be practical in our patriotism. I believe that all the lawyers are patriots and would not charge any soldier for counsel unless he was well able to pay for it. I think all the lawyers are willing and expect to do this. I know I am, and I think this form of resolution best for the reason that we have no jurisdiction over any lawyer not a member of this Association, and for the further reason that the Executive Committee of this Association could look after the families of the soldiers while they are away and furnish counsel when needed.

JOHN H. BURFORD, Oklahoma City: The first section of this resolution is very broad and comprehensive. I do not know what it is intended to apply to, but it refers in the body of the resolution to this, "The Executive Committee of this Association be and it is hereby authorized and empowered to use

such funds of this Association as it may deem proper for the aid of any board or commission or any department of the National Government in the prosecution of the present war." Now I would like to have the scope of that authority explained, because I don't know now whether I want to support it or not. I don't know what particular department of the Government might require any of the funds of this Association to aid it in carrying out its work, and if there is any particular assistance to be given to any department of the United States Government which is contemplated here I would like to have it indicated. I have no knowledge of and cannot comprehend wherein the necessity might arise where any particular department of the Government would be required to use any of the funds of this Association to aid it.

MR. McADAMS: I will state that the various departments of the United States Government and the war relief work need the support of every citizen of the United States. The Postal Department needs funds for the savings stamps, the Treasurer's Department needs funds to buy Liberty Bonds. The lawyers are doing their part in all this work and I want the press of the United States to know it. I offer this resolution with this end in view. The members of the Bar are prominent in the Red Cross. Our President is the Chairman of this Executive Committee. The Red Cross is not named in this resolution, although I had it in mind. The lawyers, the members of this Association, are working in each of the organizations in this county and in every county of this State, soliciting funds, dis-

tributing literature and getting supporters for relief work in every school house in this State. There will be another Liberty Bond campaign. The lawyers will be called upon to participate in that campaign. They are called upon in every campaign. The lawyers tell the people why we are in this war. The lawyers tell the people why they should buy Liberty Bonds. Why they should be in the Red Cross. Why not the lawyers assume the responsibility through their own organizations as well as through the Chamber of Commerce and all the other organizations of this State and let the people know it? That is why I have offered this resolution. I want to show the people of this State what the lawyers are doing. This Executive Committee can organize this State. There are in this State many lawyers. There is no reason why every one of them should not be a member of the Association at this time, pay their membership fees and let it be turned into the treasury of this Association and let the Association spend it in aiding our National Government in the prosecution of this war. That is why I have offered this resolution. We have an Executive Committee that can organize this State. They can see that every soldier in the service is furnished with counsel when it is needed, and they should have the power to use the funds of this Association to aid the families of the soldiers, to aid the Red Cross, the Postal Savings Plan, the Liberty Loans, or any other thing that may be necessary to further the interests of this Government in the prosecution of this war. This Executive Committee can do it and then report back here at the next meeting of this

Association just what has been done. Why, do you know that when the first Liberty Bonds were put out that I as President of the Oklahoma City Bar Association guaranteed that that Association would buy \$50,000 worth of those bonds and the Chamber of Commerce laughed at me. That Association bought \$62,200 worth of the first Liberty Bond issue. The next time I made no guarantee. I was a little afraid, and I did not assume the responsibility of getting the subscription, but appointed a commission to have charge of the sale of the bonds in the Association, and to my surprise they sold more than \$107,000 worth of the second issue of the Liberty Bonds, and yet the people of this State do not know what the lawyers are doing. I want them to know what the lawyers are doing as well as what the Chamber of Commerce is doing. That is why I offer this resolution. I want the Executive Committee of this Association to have the power to spend the money of this Association in any way they see fit and proper to assist the Government in this war. Let them do it and account to the Association at the next meeting.

JUDGE TOLBERT: May we hear the resolution read again?

THE PRESIDENT: Mr. McAdams, will you kindly read the resolution again?

The resolution is read.

JUDGE TOLBERT: I oppose this resolution. The Red Cross organization of the Nation has State organizations to take charge of its work; the other branches of the work have the same kind of organi-

zations. For the sale of Liberty Bonds the Government, under the direction of the Secretary of the Treasury, has a complete organization, reaching down into every State and into every county of every State and to every person in the county. I feel that the lawyer should do his work through the various organizations. In my county during the campaign for the sale of Liberty Bonds the committee having in charge the sale used the lawyers. The people will distinguish the usefulness of the lawyers in these campaigns without us publishing it through the press. There is not a member of the Bar who is not perfectly willing to assist the Government and the soldiers or their families in every possible way in a legal capacity, and as for contributions to these various organizations, that, I feel, is a matter for each individual; as an Association I feel that we should not undertake to use the money of the Bar Association for these purposes. As a matter of fact, we have not enough money to do any good in these capacities, and the Executive Committee of this organization, even if it had the time to devote to the matter, could not reach these people, because we are not sufficiently organized throughout the State. I believe that in each county there will be organizations to handle these matters. In fact, this war is bringing the various citizens of this country so closely together that the various organizations in each county will see that the interests of the wives and dependents of the soldiers who are following the colors will be protected.

GOVERNOR WILLIAMS: In order that the sentiment of the Bar Association may be understood it

might be well to pass a resolution similar to the one the American Bar Association passed offering the services of the lawyers to the Government in this war.

MR. MCADAMS: It looks to me like Judge Tolbert is willing to offer our services, but not our purse. I am not offering the services of this Association to the Government of the United States. The lawyers of this State and of this country are already serving the Government in whatever capacity they are called upon to serve. This resolution offers the services of the members of this Association to the men in the trenches fighting for us and for the Allies. And why should it not pass? There is not a lawyer present here who would consider charging any soldier or the family of any soldier who was not amply able to pay them for any legal services, and why should we not go on record to that effect? Now, Judge Tolbert says that they have organizations to take care of these matters. I concede it. He says that the lawyers are doing their duty. I concede it. He says that when the lawyers are called upon they go. I concede it. That is why I offer this resolution. I want the members of this Bar Association as a Bar Association to contribute their time and their money through the proper heads of the Association, and there is absolutely no reason, no valid reason, why this resolution should not pass. There is no reason why this Association as such should not do as the individual members are doing. When Governor Williams called upon the lawyers of this State to assist the registrars in their duties every lawyer in the State was ready to meet that call, and

of the Bar Association of Oklahoma City, why, I expect there are thirty-five or forty of them at the Court House now. They are giving their time. They are ready to do it and want to do it, just as the lawyers in every State of this Union are doing their duty. That is the object of this resolution. To let every one of them through this Executive Committee say that if there is any soldier or any family of any soldier in need of any legal service and not able to pay for it, it will be furnished to them without expense. Why should we not do it? Why, we will do it, and why not tell the world that we are not going to charge them for our services?

M. E. ROSSER, Muskogee: Before we vote on this resolution, it might be well to consider what money we have over and above that which is needed to meet our obligations. I have understood that at times this Association has been in debt and that it is only recently that we have any money other than enough to pay our expenses. The money we have has been paid in by the members of the Association for the purpose of the upkeep of the Association. Now, if this is true, it seems to me that we should not pass a resolution authorizing the expenditure of money which is needed for the keeping up of this Association for other purposes, and that if we are going to contribute to these various war funds we should make our contribution in some other way. I think that every member of this organization has contributed when called upon to every phase of the war work to the extent of his personal liberty and some I know have gone beyond that. I think we will continue to do that, but I think

it unwise to go on record as spending the money of this Association for these purposes.

Now, as to the second paragraph of this resolution, I am for that, but I now move that the first paragraph be stricken, and that an additional paragraph be added stating that it is the consensus of this Association that every member of the same should contribute in every way possible to the Government through the organizations which have for their purpose and object the advancement of the interests of the Nation in this war in any way. We have been very much in debt during the course of the life of the organization, and now that we are just getting out it seems to me that we should not at this time incur expenses that will further embarrass this organization. I am for the resolution, with the first paragraph stricken out, and move that that be done.

The motion is seconded.

THE PRESIDENT: Gentlemen of the Association, you have heard the amendment offered to the motion that the first paragraph of the same be stricken out and that the second paragraph stand.

MR. E. E. GRINSTEAD, Pawhuska: As Chairman of the Auditing Committee, which has just audited the checks and accounts of the Association, I find that you have the sum of about \$2,000 in your treasury, but the expenses of this meeting and the demands to be made by reason of the printing of resolutions passed during the meeting will bring this sum down to \$1,000. The cost of editing and printing the report will be approximately \$300; the ban-



quet will cost \$500. As a matter of fact, when your obligations are paid you will have very little money left in your treasury. I concur in the recommendation of Governor Williams that this Association pass a resolution similar to the one passed by the American Bar Association tendering the services of the members of that Association in all matters pertaining to the war activities to the Government.

MR. McADAMS: I will withdraw the first paragraph of the resolution.

THE PRESIDENT: Gentlemen, are you ready for the question? All in favor of the resolution as now amended signify by saying Aye, opposed No.

The resolution is adopted.

THE SECRETARY: Under the rules of the Association any member who is delinquent in his dues may be reinstated only upon the payment of all his back dues. It is very difficult to get men to pay \$25, \$30 or \$40, and each year we have passed a resolution that a member may be reinstated upon the payment of the current year's dues and \$5 for the year preceding. If that resolution could be passed here it would assist very materially in getting the old members back.

JUDGE BURFORD: I move that the suggestion of the Secretary be adopted.

The motion is seconded.

The motion is carried.

THE PRESIDENT: The General Council has a report which they desire to make.

JUDGE FOGG, El Reno: Gentlemen, in addition to the names already presented for membership by

the General Council we now desire to present the following names and recommend that they be admitted to membership in the Oklahoma State Bar Association.

Whereupon the following report was offered, and upon motion duly made and seconded those named were elected to membership in the Association:

Presented by General Council for membership in the Oklahoma State Bar Association:

Geo. E. Reeves, Tulsa.

Jno. H. Miley, Tulsa.

W. C. Farmer, Wetumka.

J. D. Cofield, Lindsay.

Frank E. Ransdell, Arnett.

R. H. Hudson, Bartlesville.

I. M. Putnam, Ardmore.

H. L. Fogg, *Chairman*.

J. B. DUDLEY, Norman: Gentlemen of the Association, there are some young lawyers belonging in this State who are members of the Bar, in the army, but who are not members of this Association. I want to introduce a resolution to this effect:

RESOLVED, that all members of the Bar of this State, now engaged in the military service, or who may hereafter become so engaged, who are not members of this Association, be elected members thereof, and exempted from paying dues during the length of their service.

I move the adoption of that resolution.

The motion is seconded.

THE PRESIDENT: Gentlemen, you have heard

the resolution read and the motion made and seconded. Any discussion?

All in favor of this motion signify by saying Aye, opposed No.

The motion is carried.

THE PRESIDENT: Gentlemen of the Association, I count the Oklahoma State Bar Association especially fortunate in having with us at this time a very distinguished man, the Chief Executive of our sister State of Arkansas. Our own able and distinguished Governor has kindly consented to present to you the speaker of the occasion and it is now my pleasure to present to you Governor Williams, our own able Governor.

GOVERNOR WILLIAMS: Gentlemen of the Association, we feel glad today that we have the Chief Executive of our neighbor State as our speaker on this occasion; a man who carries with him the bright honors of having been for years a professor in the University of Arkansas, and who has done able, capable and statesmanlike work and service in that State especially since the declaration of war. These are the days when men who love their country should appreciate the gravity of the situation and the test that comes upon every patriot. We are glad that he could come to us as well as being glad that we have as our speaker and guest on this occasion a man who knows his chief passion in doing service for his country. Without saying more, it is my pleasure to present to you Governor Brough of Arkansas, our speaker on this occasion.

GOVERNOR BROUGH of Arkansas.

(See Appendix, page 76.)

MR. LEDBETTER, Oklahoma City: Mr. President and Gentlemen of the Association, I move that the Oklahoma State Bar Association extend its thanks to Governor Brough and make him an honorary member of this Association in recognition of the splendid address we have heard here today.

The motion is seconded.

The motion is carried.

THE PRESIDENT: The next thing on the program is the election of officers. Is the General Council ready to report? We will now hear the report of the General Council on nominations for officers.

JUDGE FOGG (reading the following report):

*Mr. President and Gentlemen of the Oklahoma State Bar Association:*

We, the undersigned General Council of the Oklahoma State Bar Association, by virtue of authority vested in us by the constitution and by-laws of said association, do nominate the following named gentlemen as officers of this association for the ensuing year:

President, E. G. McAdams, Oklahoma City.  
Secretary, Walter A. Lybrand, Oklahoma City.  
Treasurer, C. K. Templeton, Pawhuska.

*General Council.*

D. A. Richardson, Oklahoma City.  
Geo. L. Bowman, Kingfisher.  
E. E. Grinstead, Pawhuska.  
Geo. Trice, Coalgate.  
J. M. Sandlin, Duncan.  
Pat Malloy, Tulsa.  
W. L. Eagleton, Norman.

*Executive Committee.*

E. G. McAdams, Oklahoma City.  
 F. M. Bailey, Chickasha.  
 C. K. Templeton, Pawhuska.  
 W. A. Lybrand, Oklahoma City.  
 Geo. B. Rittenhouse, Oklahoma City.  
 C. O. Blake, El Reno.  
 Jas. G. Ralls, Atoka.  
 C. G. Moore, Purcell.

*Delegates to the American Bar Association.*

F. M. Bailey, Chickasha.  
 C. A. Galbraith, Ada.  
 W. H. Moore, El Reno.

*Vice-Presidents.*

District 1, A. J. Titus, Cherokee.  
 District 2, W. A. Chase, Nowata.  
 District 3, S. M. Rutherford, Muskogee.  
 District 4, Allen Wright, McAlester.  
 District 5, T. T. Varner, Poteau.  
 District 6, W. E. Utterback, Durant.  
 District 7, H. H. Epperson, Ada.  
 District 8, H. A. Ledbetter, Ardmore.  
 District 9, H. H. Diamond, Holdenville.  
 District 10, F. A. Rittenhouse, Chandler.  
 District 11, Fred Green, Guthrie.  
 District 12, S. K. Sullivan, Newkirk.  
 District 13, Robt. Burns, Oklahoma City.  
 District 14, R. E. Bowling, Pauls Valley.  
 Districts 15-16, Dyke Ballinger, Anadarko.  
 District 17, Judge J. R. Tolbert, Hobart.  
 District 18, T. R. Wise, Sayre.  
 District 19, T. J. Womack, Alva.  
 District 20, W. W. Anderson, Woodward.

District 21, J. W. Woodford, Tulsa, Okla.

District 22, J. E. Thrift, Sapulpa.

District 23, A. Scott Thompson, Miami.

District 24, W. R. Gregg, Pawhuska.

District 25, Jno. D. Rogers, Altus.

District 26, Baxter Taylor, Atoka.

District 27, S. E. Welch, Antlers.

Respectfully submitted,

H. L. FOGG, *Chairman.*

THE PRESIDENT: Gentlemen, you have heard the nominations of the General Council. What will you do with the report?

JUDGE AMES, Oklahoma City: I move that the gentlemen nominated by the General Council be elected.

The motion is seconded.

The motion is carried.

The gentlemen nominated by the General Council are elected.

MR. LEDBETTER: Mr. McAdams became President of the Oklahoma City Association and we have kept him ever since. I would just like to ask if this office is going to be perpetuated in him?

THE PRESIDENT: Will the following gentlemen escort the new President to the chair: Judge Galbreath, Mr. Ledbetter and Mr. Grinstead. Gentlemen of the Association, it is my pleasure to present to you a distinguished member of this Association of more than a quarter of a century. He brings to the Association an experience as an executive of the Oklahoma City Bar Association and ripe judgment. Your new President, Mr. McAdams, Oklahoma City.

**MR. McADAMS:** Gentlemen, when I say to you that I would rather have the confidence and respect of the legal profession of this State than to hold any office in the gift of the people without that confidence I have in a measure expressed to you my feeling of gratitude for the high honor you have conferred upon me. As stated by the retiring President, I have had some experience as President of the Oklahoma City Bar Association, and I will try to start out in this Association as I did in that one, and as a step in that direction I will now appoint each and every one of you here present as a committee of one to interview every member of the Bar in your district and find out if he is a member of this Association, and if not, why not, and to have that lawyer at once send the Secretary five dollars, or the President will see him in the very near future. I now extend to myself an invitation to visit every Bar Association meeting within this State within my power before the next meeting of the State Association. I am not going to make a speech; I have already told you that it is the duty of every member of the Bar in this State to be a member of this Association. I cannot make a speech; the rules of this Association do not allow me to speak at this time. I will entertain any motion that it is desired to be made at this time.

There being nothing further on the program, the Association will take a recess until 6:30, at which time the banquet will be served in this room.

**JUDGE BURFORD:** McAdams, may I inquire what office you are going to run for in the next campaign?

**MR. McADAMS:** None, I promise you.

A VOICE: Are you going to resign as President of the Oklahoma City Bar Association?

MR. McADAMS: No, sir, I am not; I would not give that up at all.

Gentlemen, the Association is recessed until 6:30 promptly. The banquet will begin at 6:30.



# APPENDIX



## THE ADDRESS OF THE PRESIDENT

FRANK M. BAILEY.

*Members of the Oklahoma State Bar Association:*

On the convening of this the Eleventh Annual Meeting of the Oklahoma State Bar Association, meeting as it does under circumstances and conditions without parallel in the Nation's history, I hasten to congratulate the Bar of Oklahoma upon the splendid response made by the members of the legal profession to the country's call, both in respect to the relatively large number of enlistments in actual service in the Nation's armies, and in the hearty response to calls for aid and assistance to those institutions fostered by civilian efforts, but which contribute in a marked degree in aiding and maintaining the armies and navies of our country and her allies.

The pages of the history of the wars of this Nation are radiant with the names of the Nation's Bar whose patriotism and chivalric manhood impelled them to the field of battle and caused them to welcome sacrifice and suffering in their country's defense, and it is the spirit of these that inspires the sacrifice of professional ambition and the endearment of family ties, until our enemies may read in this unselfishness the hopelessness of their arrogance, of their vindictive brutality, and their destructive purposes. Taught to believe in the equality of rights, and therefore recognizing the equality of duty, the lawyer acknowledges the obligation of undivided and unconditional loyalty, and realizes

that patriotism is more than a sentiment and loyalty more than an expression.

In this period, when the independence of half of the world is at stake, when the test of democracy is apparently being made, when the economic, political and social conditions are in process of revolution, and even the racial alignments of the world are in process of being made anew, I must confess something of a disposition to waive the provision of Art. 7 of the Constitution of this Association, which requires that "the President shall open each annual meeting of the Association with an address in which he shall communicate the most noteworthy changes in statutory law upon points of general interest made in the territories and by Congress affecting the State during the preceding year." Whatever may have been the real object and intended field of review under this provision, certainly it was not written with "prophetic vision" of the world today. We are today so absorbed with facts rather than fancies, and with conditions rather than theories, with the one supreme task committed to America, that I fear a far more intelligent discussion of legislative enactments than can be promised in this paper must prove tiresome and prosaic. But, accepting the requirements of Article 7 in the light of precedent established by my distinguished predecessors, I shall make reference to such of the year's statutory enactments as time and your patience will permit.

The Sixth Regular Session of the Oklahoma Legislature convened on the 2nd day of January, 1917, and adjourned on the 16th day of March, 1917.

Some discussion has been indulged in the press relative to the accuracy and verity of the records of the legislative acts. Indeed, it has been asserted by a distinguished member of this Association that at the close of the recent session of the Legislature, that so many bills were passed during the closing days, and the clerical force being insufficient, that often the last section of a bill was engrossed following the title to the bill, and these incompleated portions signed and certified by the proper officers and left with the clerical force to be completed and delivered to the proper custodian. A condition and procedure of this kind may account for the necessity of inserting twenty-two pages of notes, corrections and errata in the printed Session Laws of 1917, and serves to call attention sharply to the necessity of some supervisory board or commission with authority and duty to correct in form and phrase legislative acts that are ambiguous and that conflict in order that the full intent and meaning of the Legislature may be secured.

This Association has often called attention to the necessity of such supervision in the preparation of our laws as will secure in their preparation such an intimate acquaintance with the history of laws and legislation, and a familiarity with technical terms that ambiguity may be prevented and a logical connection and consistency of the laws secured.

The usual number of special acts and local laws so worded as to suggest general legislation and thus evade constitutional inhibitions were enacted. No good purpose will be served in calling attention specifically to these various acts, other than to con-

demn the policy at once violative of the Constitution and fruitful of unprofitable and embarrassing litigation.

Out of the many chapters of the 1917 Session Acts entitled "Appropriations," and found at the early pages of the 1917 Session Laws, I mention only Chapters 38 and 39, being acts appropriating the sum of \$25 and \$50 respectively to each member of the Oklahoma National Guard who served on the Mexican border, such sums being in lieu of clothing furnished each militiaman and by him returned to the State upon being discharged, and in lieu of claims against the State for compensation. Small as these appropriations are, they serve to note the concern of the State in its National Guards and to offer opportunity for the suggestion here that this Association take such action as may be appropriate to care for the Association dues of its members who are serving in the army and navy of the Nation, and the adoption of such plan as may be practicable for aiding absent members of the Association serving in the Nation's army and navy in caring for their professional business during their absense.

Chapter 127 is an act regulating appeals from judgments of municipal courts and providing for the trial of cases involving the violation of municipal ordinances, where imprisonment may be imposed, by a jury in the Justice of the Peace Courts, and providing for the procedure in such trials. This act, though making radical changes in the procedure of the municipal courts, made necessary by, and is an attempt to meet the requirements of the opinion of the Criminal Court of Appeals in *Ex parte Johnson*,

wherein it was held that a person prosecuted under a city ordinance for an offense which is made a misdemeanor by statute, of an ordinance the punishment for a violation of which is or may be imprisonment is entitled to a jury trial in court of original jurisdiction.

Chapter 128 authorizes the Governor, with the approval of the Supreme Court, to appoint nine Supreme Court Commissioners, while Chapter 125 increases the Supreme Court to nine Justices and apports the State into nine judicial districts, and provides that four additional Justices shall be appointed by the Governor by and with the advice and consent of the Senate. In the enactment of these two laws the Oklahoma State Bar Association seems to have secured substantial recognition of its recommendation made at the last annual meeting of the Association, and it would seem that until such time as a constitutional amendment may permit the Supreme Court to sit in divisions such relief for the congested docket of the Supreme Court has been provided as may be practicable.

Two features in these acts appear unusual. Section 2 of Chapter 128, providing that "no resignation of any Commissioner shall be accepted until all cases and matters referred to such Commissioner shall have been disposed of"; while Section 7 of Chapter 145 provides "that no Justice of the Supreme Court shall become during the term for which he was elected, or appointed, a candidate for any office other than a judicial position." The last named provision, while presenting a question of policy and expediency upon which opinion will di-

vide, will find general favor among members of the Bar.

Chapter 157 provides that soldiers and sailors, residents of this State, in active duty and absent from their election precincts in the service of State or United States, may vote at all general, local, primary or special elections, and provides the manner in which such votes may be cast and counted. The act imposes upon the Secretary of State the arduous duty of preparing and distributing all necessary blank forms and envelopes required to carry out the provisions of the act, and that such forms be forwarded to the several regiments in the field, and to the several hospitals, posts and naval stations in sufficient quantities to furnish a copy of each blank form to each person in active service of State or United States.

In view of the vast territory that apparently must be occupied by the United States armies, and the fact that Oklahoma troops have been mustered into service in regiments made up of troops from the various States of the Union, and that our sailors will be scattered on the high seas of the world, the problem of complying with the provisions of the act would appear to present almost insuperable obstacles and perhaps offer opportunity for contention and contest.

Criminal statutes can hardly be said to be of general interest to the bar, but Chapter 149 may furnish "food for thought," since in addition to prohibiting any person, without the consent of the owner, from driving or attempting to drive any automobile "for joyriding or other purposes," also



prohibits any person, without the consent of the owner, to "manipulate or meddle" with such automobile. It occurs that a philological discussion might have been obviated had good modernized "monkeying" or "tampering" been substituted for "meddle."

Chapter 152 amends the Bulk Sale Law as found in the Revised Laws of 1910, and provides that the presumption of fraud arising by reason of a non-compliance with such act may be rebutted by the proposed transferee making explicit inquiry of his transferer, and all antecedent transferers in sales made within ninety days prior thereto, as to the names, addresses, etc., of creditors.

Section 3 of such act also amends as to what is included in the term "transfers"; providing that transfers made under this act shall include transfers in payment of debt, in whole or in part, pledges and mortgages.

Section 4 of such act is a new provision providing that purchasers, transferees and mortgagees who shall not conform to the provisions of the act shall be liable to creditors of such transferer, mortgagor or pledgor in garnishment, and that such stock so transferred, or mortgaged, shall be liable to attachment.

These amendments, doubtless made in view of decisions of our Supreme Court, strengthen the law and will tend in a measure to secure good faith and fair dealing.

Chapter 158, which relates to elections in cities of the first class, is noteworthy only as it may evi-

dence a legislative tendency to "shorten the ballot," providing as it does for the appointment by the Mayor, with the approval of the City Council, of the City Attorney, City Marshal and Street Commissioner, officers heretofore elective.

Chapter 174 provides for the regulation and management of hospitals for the insane and for the apprehension, care and custody of the insane. The bill is entirely too long for analysis here, but is apparently drawn with care and evidences an effort to require proper and humane treatment of the State's unfortunate wards.

Outside the legal profession there has been occasioned some discussion by reason of the enactment of Chapter 186, such act being commonly known as the "Bone Dry Law." Naturally the provisions of this bill have provoked contention, a notable instance being as to whether or not the provisions of the bill precludes the possession of wines for sacramental purposes.

It has also been contended that under this act individual interstate transportation is not unlawful, when such transportation is for the personal use of the person transporting the same, and reference is made to *Adams Express Company v. Kentucky*, 238 U. S. 190, for support of this contention, the Court there having held that "Notwithstanding the passage of an act known as the Webb-Kenyon Act, the right still exists to transport an interstate shipment for personal use, when such use is not prohibited by the laws of the State," and therefore it is contended that at least in that part of the State

formerly Oklahoma Territory possession for personal use being prohibited by the provisions of this act in cases only in which liquor is received from a common or other carrier, that individual transportation for individual personal use does not come within the provisions of this act.

The litigation now before the courts involving the construction and constitutionality of the provisions of this act has provoked a wide range of discussion that will probably find conclusion only in the decision of the Supreme Court of the United States.

Supplementing Chapter 186 is the act contained in Chapter 188, being an act providing for the forfeiting to the State of all vehicles, including automobiles and animals, used in transporting liquor, the sale of which is prohibited by the laws of this State, from one place in the State to another. Like the preceding chapter mentioned, many questions are being urged in courts of the State as to the validity and constitutionality of the provisions of this act; among them the right to deny a trial by jury, and the protection of owners and lien holders without guilty knowledge or negligence. The provision that the possession of property being so unlawfully used shall be *prima facie* evidence of ownership in persons so using it suggests that this presumption is rebuttable, and that the true owner, without guilty knowledge or negligence, may be protected. Since property has no guilty character, except as connected with persons who have charge of it, under the provisions of this act it would seem

that the facts of negligent knowledge and blame must determine the condemnation.

The Supreme Court of this State, in *Ex rel. Attorney General v. McCullough*, has had occasion to consider some of the provisions of Chapter 205. The act provides for the suspension and removal of State officers not subject to impeachment, and county, city and municipal officers for causes therein named, and gives to the Supreme Court, concurrent with the District Court, original jurisdiction of proceedings authorized by the act. But the Supreme Court of the State under the authority of adjudicated cases and under the rules of the Court declined to accept original jurisdiction and dismissed the case, no showing having been made why the action was brought in that Court rather than in the District Court.

Perhaps no acts of the Legislature have given more real aid and comfort to the bar than the acts found in Chapters 218 and 219, such acts amending Section 5242 and 5238 of the Revised Laws of 1910, and providing for the service, settling of case-made, abolishing the summons in error, defining the necessary parties to petition in error, the notice required on appeal, and prohibiting the dismissal of appeal because a party in the court below is not made a party to the appeal. These acts, enacted in substantial conformity to the recommendations of this Association, doubtless furnish a more simple and less expensive method of appeal without impairing the protection or rights of any litigant. The amendments contained in these laws will prevent dismissals in many instances and secure appellate re-

view of substantial rights denied in the trial court, and makes possible the prevention of fraud and injustice when service of case-made or summons in error have been evaded by deliberate efforts or unknown residence of parties litigant.

Chapter 225 is an act prohibiting the removal of railroad shops and division points without the approval of the Corporation Commission. The right of the State to exercise control over railroads in the interest of the public welfare can be no longer questioned, but this control seems to be limited to a reasonable regulation, for as was said in *Railroad Company v. Corporation Commission*, 206 U. S. 1, "Whenever the power of regulation is exercised in such an arbitrary and unreasonable way as to cause it to be in effect not a regulation but an infringement upon the right of ownership, such an exertion of power is void because repugnant to the clauses of the Fourteenth Amendment." And in *C., B. & Q. R. Co. v. Illinois*, 200 U. S. 561, it was said, "That if the means employed have no real substantial relation to public object which government may legally accomplish, the judiciary will interfere for the protection of rights injuriously affected." Whether the location of shops and terminals so far affects the public interest as to become a matter of public control, or if subject to control under the police powers by reason of the act requiring the Corporation Commission to make inquiry concerning sanitary and habitable conditions, is such power of controlling removals delegable to the Corporation Commission, are some of the several questions that make doubtful the validity of this act.

Chapter 269 puts beyond academic discussion the right to recover damages against telegraph companies doing business in this State for mental anguish or suffering, regardless of physical injury or pecuniary loss, for negligence in receiving, transmitting or delivering messages.

The courts of the States have discussed with so much learning the rights, equities and justice of recovery for mental anguish for non-delivery of telegrams that no benefit can come from any discussion of this act here. However, it may be observed that since so large a portion of the telegraphic business is of an interstate character, and since Congress has placed telegraph companies with respect to interstate business in the same class as other common carriers, subject to Federal laws for dereliction of duty, and therefor not within the control of the State laws on the subject, a large part of the regulative force of the act is lost.

Senate Concurrent Resolution No. 5 provides for the amendment of Section 1, Article 3, of the Constitution of the State, so that such section shall read, "Qualified electors of the State shall be citizens of the United States, citizens of the State, etc.," the word "male" being eliminated from its place of enthronement and woman enfranchised. The effect of this proposed change furnishes a topic for political and social discussion, and offers a topic of debate coming months will engage.

In Senate Resolution No. 12, the long argued and debated question of the right of the courts to declare unconstitutional legislative acts is presented by provisions of the resolution declaring: "We

wish the inferior Federal Courts forbidden to declare acts of Congress void, and we wish the appellate power to pass on the constitutionality or policy of acts of Congress to be withheld from the Supreme Court by suitable resolution of acts of Congress, etc.”

The distinction between the legislative and the judicial power under the Constitution is fundamental and it is probably not controverted that the departments of government within their constitutional limitation are equal, though independent. But it is argued that there is no expressed grant of power in the Constitution giving to the courts the power to declare acts of Congress unconstitutional, nor is there any implied power to make such declaration, and that the history of the Constitution debates disproves any intent to confer upon the courts any such power. These contentions open a range of research and discussion entirely beyond the scope and purpose of this paper, yet it may be observed that the advocates of the right and power of the courts to so declare acts of Congress invalid find convincing proof in the convention debates of the recognition of such power in the courts in England and in the Colonies previous to the adoption of the Constitution, and in such debates a full purpose and intent to confirm such powers by the provisions of the Constitution.

By Sections 1 and 2, Article 3, of the Constitution, it is provided:

“That the judicial power of the United States shall be vested in one Supreme Court

and in such inferior courts as Congress may ordain and established." And

"That the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, etc."

As said by Justice Marshall in *Marbury v. Madison*, 1 Cranch. 137:

"It is emphatically the province and duty of the judicial department to say what the law is."

And it may be observed that the same Constitution which created and defined the powers of a legislative department of government vested the judicial authority in all cases arising under its provisions in the Supreme Court and such inferior courts as Congress might ordain; hence it is contended as the judicial power is by expressed terms vested in some Supreme Court, *i. e.*, as to all cases in law and equity arising under the Constitution, the laws of the United States, etc., it would appear to logically follow that whenever a case arises in law or equity involving the constitutional validity of legislative acts, the Supreme Court is vested with authority to determine whether such act is valid or void. For the interpretation of the provisions of the Constitution is clearly a judicial as distinguished from a legislative power.

As was suggested by Marshall: "If a law be in opposition to the Constitution, the court must determine which of these conflicting rules must govern the case." "This is of the very essence of judi-



cial duty." The unbroken line of adjudicated cases approving the conclusion in *Marbury v. Madison* would appear to remove all doubts as to the attitude of the courts of the country as to the power and authority of the courts, but the sentiment expressed in the proposed resolution found endorsement and approval in numerous columns of the press, though there appears to have been small evidence of Congressional efforts to adopt the proposed suggestions.

Relative to National legislation, the Federal Congress has been in session during practically the entire year, and of necessity has given the greater portion of its time to the enactment of legislation pertaining to the demands and requirements of the conditions of war.

Of paramount importance and concern in the year's work must stand the declaration of April 6th, wherein it was resolved "That the state of war between the United States and the Imperial German Government which has been thrust upon the United States is hereby formally declared." This declaration with precedent as to form in the act of Congress asserting that "War exists by the act of Mexico," passed at the beginning of the war with Mexico, is destined to mark an epoch in the world's history, standing as America's answer to the ruthless assertions of autocratic power and the disregard of human liberties and national rights.

No act of the present Congress has perhaps occasioned so much general discussion, nor imposed upon the time of the courts to such an extent, as the act of May 18, 1917, known as the Selective Draft Act. The provisions of this act are so numerous,

and have been so generally discussed, that it would be an imposition to attempt to repeat them here. It may not be inappropriate to remark, however, that the agitation regarding this act is "history repeating itself."

The war power of Congress attempted to be exercised in conscription and draft enactments has been a fruitful source for litigation, especially during the period of the Civil War, when both the United States of America and the Confederate States of America enacted and enforced conscription and draft laws, the provisions of the Constitution of the Confederate States defining the war powers being a substantial copy of the Constitution of the United States, under which acts the courts of the States of the United States, as well as the States composing the Confederate States, sustained, with only a limited exception, the constitutionality and validity of such acts.

*Jeffers v. Fair*, 33 G. 347.

*United States v. Tarble*, 13 Wall. 408.

*Burroughs v. Peyton*, 16 Grat. (Va.) 470.

*Ex parte Coupland*, 26 Tex. 387.

*Ex parte Tate*, 39 Ala. 254, 45 Pac. 241,  
16 Wis. 382.

When the war powers vested in Congress under the provisions of Section 8, Article 1, of the Constitution, giving power to "declare war," "to raise and support armies," is considered in connection with and differentiated from the provision that gives to Congress the power "for calling forth the militia," "to suppress insurrections and repel inva-

sions," and "to provide for organizing, arming and disciplining the militia," and considered in connection with the general provision to "make all laws which shall be necessary and proper for carrying into exercise such powers," and when such powers are viewed in the light of convention debates relating to their adoption, and the explanations of conditions existing at the time of the adoption, and the weakness of the general government under the Articles of Confederation by reason of the lack of such powers, it would appear that the authority of Congress under the grant of power to raise armies is sufficient to invoke all instrumentalities necessary to carrying on war, whether offensive or defensive, whether on our own or foreign soil.

The provisions of this act have been passed upon of recent date in *Story v. Perkins*, 243 Fed., page 997, in which case the validity of the act is sustained.

The Supreme Court of the United States now has under consideration cases involving various provisions of the act, and it perhaps may not be considered rash to suggest that in the light of contemporary history and subsequent exposition of the constitutional provisions, the authority of Congress to enforce selective draft for service, either at home or abroad, will be sustained.

Of more than ordinary interest is a joint resolution recently adopted proposing an amendment to the Constitution of the United States as follows:

"The manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from

the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

While the ratification of this proposed amendment by the requisite number of States is yet problematical, the trend of public thought and mind would indicate its ratification and approval; eliminating a topic of political debate and a subject of legislative concern that has proven vexatious and persistent, the effect of the amendment on the labors of the court undoubtedly would be evident, and its economic effect, while presenting a question for dispute, will in the ultimate prove large and beneficial.

Act of Congress approved October 6, 1917, and generally referred to as "Soldiers' Compensation and Insurance Law," offers many admirable features, attempting, as it does, to provide for those who may return after the war deprived of earning capacity, and likewise to provide for those who have been deprived of their means of support by the death or injury of those upon whom they were dependent.

One provision of the act especially appeals, being Section 304, wherein it is provided that in case of dismemberment or injury causing disability, the injured person shall follow such course or courses of rehabilitation, re-education and vocational training as the United States may provide or procure to be provided. The effect of a work of rehabilitation and of vocational training for dependents must inevitably work for the economic and social uplift of the community.

It may be observed in passing that the same section of the bill provides that in case of willful failure to properly follow such course of training as is provided, payment of compensation shall be suspended until such willful failure ceases.

Numerous other acts of Congress are well worthy of attention, notably the "War Tax Law," affecting incomes and profits, and recently referred to as the "tax on brains," a discussion of which law you will hear by an able and honored member of this Association during this meeting; but I refer in concluding to act approved August 10, 1917, and entitled "An act to provide for the Nation's security and defense by encouraging the production, conserving the sale and controlling the distribution of food products and fuel."

This act invests the President with authority so vast and extensive that it finds precedent only in part in the powers heretofore delegated to the Chief Executive in the country's history. The President is authorized to license the importation, the exportation, manufacture, storage or distribution of food, feed and fuel; to purchase, store and sell enumerated articles of food; to take over and operate by the Government, just compensation being allowed, factories, packing houses and other plants; to guarantee the minimum price on certain agricultural products; to prevent the hoarding of food, feed and fuel; to requisition food, feed and fuel, just compensation being allowed, for the use of the armies and navies; to prohibit the use of foodstuffs in the manufacture and production of alcoholic or non-alcoholic beverages, and other powers of a simi-

lar and sweeping nature. The act goes far beyond the ordinary impressment acts. Naturally, the investment of power so unusual has provoked the critic warning that there is a departure from the principles upon which our National institutions rest and that violence is being done to our constitutional guarantees, and the provisions of the act were assailed in Congressional debates as violative of constitutional limitation. Provisions in the bill may doubtless with show of reason be called in question. But the war power of Congress to raise and support armies, to provide and maintain navies and the general authority to make all laws which shall be necessary and proper for carrying into execution such powers, together with the expression of the courts, furnishes the proponents of the law with full and complete support for the provisions of the act. For, as was said by Marshall in *McCullough v. Maryland*: "Let the end be legitimate, let it be within the scope of the Constitution and all means which are appropriate, which are plainly adapted to the end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." 4 Wheat. 421.

And again, in *Stuart v. Kahn*, 11 Wallace 493, the Supreme Court said: "The means to be taken in carrying on war are not defined." "The decision of all such questions rests wholly in the discretion of those in whom the substantial powers involved are confided by the Constitution."

Food and its means of distribution and transportation is, no less than munitions, essentials of war, and the power to declare war and to raise and

support armies would clearly imply the power and authority to wage successful war, even though individual rights and freedom are for the time held subservient to the dominant emergencies of war.

Willoughby says: "Even in dealing with its own loyal subjects, the power to wage war enables the government to override in many particulars private rights which in time of peace are inviolable."

Whatever may be the ultimate conclusion of the courts as to the validity of the provisions of the act, it is well to withhold easily suggested criticism and charges of the usurpation of authority by the legislative and executive departments.

It is well to remember that only in recent years, when the great increase of wealth, the growth of commerce, the concentration of industrial activities, served to focus attention upon the inequalities of varied interests, and the disregard of the general welfare, that over protest, and cry of violated constitutional rights, there was called into force the great regulative and prohibitive powers within the undefined limits of the police powers necessary to meet the demands of the public welfare, and this too without infringement of individual liberties or the impairment of vested property rights. So may the exigencies of war serve to call attention again to the wisdom of the fathers who were able to draft an organic law flexible enough to meet the emergencies and needs of an enlightened people, and yet strong enough to safeguard every right of individual and National freedom and property right, and to establish that life, liberty and justice are secure under the watch-care of constitutional and popular government.

## ANNUAL ADDRESS

CHAS. H. BROUGH,  
Governor of Arkansas.

Gentlemen of the State Bar Association of Oklahoma:

I deeply appreciate the honor of the invitation extended by my distinguished friend, Judge Frank Bailey of Chickasha, who has been an ornament, both as a lawyer and as a judge, to his great profession, to deliver the annual address before the Oklahoma State Bar Association. I appreciate the official and personal hospitality of my distinguished friend, Governor Williams of Oklahoma, who delivered the annual address last year before the Bar Association of Arkansas and who is not only a great Governor but an erudite justice. Law, in my opinion, is the greatest of all the sciences and professions, for, "She hath her seat in the bosom of God; her voice is the harmony of the world. All things pay obeisance to her, the greatest is not exempt from her power, and the least as feeling her protecting care."

"Sovereign Lord, our state's collected well,  
Sits empress, crowning good, depressing ill."

From the days of the Corpus Jurist Civilis and Penedicts of Justinian, through the democratic folk-Germots of the early Anglo-Saxons, and the notable reforms made by the great Napoleon in compiling the Code Napoleon, which is now the basis of jurisprudence in the State of Louisiana, to our present jury system, our courts have been held in the high-



est reverence. For the people of every country and every clime have recognized that "a virtuous court, a world to virtue draws." It is a significant fact that every great reform in constitutional progress from the days of the Magna Charta, which the nobles wrested from King John on the Field of Runnemede, to the present time, including such historic instruments as the constitution of the United States, the Missouri Compromise of 1820, the modernized state constitutions including the initiative and referendum, the three reform bills of Mr. Gladstone, and the development of the Roman Canon Law applied to ecclesiastical disputes, have been wrought out by eminent lawyers, sitting as nestors of wisdom in constitutional conventions, legislatures and parliaments, and sitting as judges on the highest benches of the world. It is doubtful whether anything bespeaks more eloquently the genius of our government, with its innovation of a complete division of powers between the executive and the legislative and the judicial departments of government, than our system of both state and federal courts with their original and appellate jurisdiction. And it is a significant fact that many of our eminent statesmen, feel it a high honor to have a place on the supreme bench of our nation than they do to reach the presidency itself.

In this hour of our nation's stress and strife the lawyers are maintaining their ancient prestige. A lawyer, Provost Marshal General Crowder, is largely responsible for our democratic selective draft system, which operating through the new questionnaire, will not only secure equality and jus-

tice in the selection of our soldiers from a great mass of volunteers, but will also take for the first time a census of the man power of our country by occupation. Three lawyers in each of the nearly four thousand counties of the United States are serving without compensation on the legal advisory boards, and each district exemption board in the United States has at least one eminent lawyer as a part of its patriotic membership. Closely correlated with the gentlemen who are serving on the legal advisory boards are associate members in each county who, purely because of their patriotic motives, are sacrificing lucrative practices to advise the drafted men of the five classes in filling out their questionnaires.

I congratulate the State of Oklahoma, one of the youngest in our sisterhood of states, upon the enviable record which she has made with reference to her judiciary and her bar. An eminent lawyer, whom we had the honor of having as our guest at the annual meeting of our Bar Association last year, Governor Robert L. Williams, presided ably over the destinies of our commonwealth as its War Governor. Able men, able practitioners, man your supreme and circuit benches, and in your legislatures which for the past ten years have made a wonderful record for constructive legislation, there have been some of the ablest lawyers in the southwest. Oklahoma has taken the initiative along with Oregon in the wise policy of extending the initiative and referendum. You have solved your economic problems of finance and taxation in a most satisfactory manner, largely because your lawyers in public life were able economists, as well as legislators,

There have been novelties in your legislation which have attracted nation-wide attention, notably the "Nine Foot Sheet Law" and the "Anti-Broken Dish Law," which in my humble opinion, are worthy of the imitation of other states.

May I, as governor of your neighboring state, with which we are linked with a mystic tie that binds because of similar industrial and agricultural conditions, wish you continued prosperity and progress, and say to you, as Napoleon beneath the pyramids of Egypt, "Ten years of eventful history look down upon you and bid you continue the struggle with redoubled energy."

I am emboldened to bring you today a message of American patriotism and preparedness, which words, in my humble opinion, sound the shibboleth and the clarion call of duty in this hour of our country's stress and strife, in this unparalleled war of liberty and democracy against autocracy and despotism. Our neutrality is a thing of the past. The time has come when the proud prophecy has been fulfilled of our great President of the United States: "There will come that day when the world will say, 'This American that we thought was full of a multitude of contrary counsels now speaks with a great volume of the heart's accord, and that great heart of America has behind it the supreme moral force of righteousness and hope and the liberty of mankind.' " It is true that we are the mediating nation of the world, combined of all nations, mediating their blood, their traditions, their sentiments, their tastes and their passions; but force of circumstances, the violation of the freedom of the high seas, which

is the very *sine qua non* of peace, equality and co-operation, an insolent contempt for American idealism, American liberty and American justice has forced us into the maelstrom of the greatest conflict history has ever recorded.

“The die is cast, the Rubicon is crossed,” henceforth we should all be Americans, knowing no hyphenated citizenship, no lukewarm support of our government, no cliques and cabals undermining the force of our democracy, but everywhere responding to that other sentiment dear to every American heart, “liberty and democracy, now and forever, one and inseparable.” Let us realize that while we should maintain no spirit of hatred toward the German people, an efficient, intelligent and expansive nation, that a steadfast concern for peace can never be maintained except by a partnership of democratic nations; that no autocratic government, manned by a German Kaiser, an Austrian Emperor, or a Bulgarian King, can be trusted to keep faith with any, or observe its covenants; that there must be a league of honor, a partnership of opinion, and that in this struggle the interests of mankind are paramount to the interests of any nationality. Let us realize that this stands out above all the other wars of history as a people’s war, a war for freedom and justice, a self government among all the nations of the world, a war “to make the world safe for democracy,” the German people themselves included; a war, the successful result of which on the part of America and her allies will teach that might is no longer right, and strength is no longer triumphant. In this contest there can be no twilight zone of

American patriotism; our citizens must be either for the President and for the flag, or against the President and against the flag.

Heretofore European battlefields have been magazines, lit by the fuse of ambition, and in the cannons' raking fire has been sealed the sovereignty of kings; but the American guns that will resound on the battlefields of France, Italy and Russia, will reverberate in thundering tones of exalted patriotism "that all governments derive their just powers from the consent of the governed." When our brave American soldiers and sailors return with the laurels of well earned victory, wearing uniforms of consecrated service, and bearing the arms of a free republic, there will no longer be any German Kaisers, Austrian Emperors and Bulgarian Kings to ruthlessly violate the treaties of a brave and helpless Belgium, to overrun and lay waste a struggling Poland, to massacre women and children and hospital nurses in chivalrous France, to butcher martyrs in Armenia, struggling against revolt and Mohammedanism, and to annex, by political grand larceny, the territory of Alpine-crested and sun-kissed Italy. No, the eyes of our fellow countrymen will behold a world democracy, presided over by leaders selected by the voice of the people; they will see arise before their eyes temples of human liberty, whose cornerstones will be justice and the equality of all men before the law. With such an epic picture before us and such noble ideals of feeling to our better selves, I believe that each and every patriotic American should feel today, as did Nathan Hale, one of the Revolutionary heroes, as he exclaimed, "I

only regret that I have but one life to lose for my country."

We have reached the point in our patriotism where our faith is being put to the touchstone of our works, and we are soon to discover whether this love which we have professed through the years of our institutions, our country and our flag, is "but a sounding brass and a tinkling cymbal," or whether it is a great and vital inspiration of individual and national life. Our young men, with a devotion unexcelled in the history of the world, are leaving homes of love and affections, where for years they have been enshrined in a father's devotion and wrapped in a mother's love; they have left fields of cotton and waving grain, vocal with the praise of happy husbandry, and replete with the gladness of rewarded toil; many of them have sacrificed lucrative positions in the marts of trade to endure the hardships of camp life and dangers of the far-flung battle line—all, for the honor of their country and the glory of their flag. They are going gladly "somewhere in France," to offer, if need be, the last drop of blood in their veins as a free libation on the altar of constitutional liberty, in order that the whole world may witness the march of millions of emancipated political and industrial slaves "redeemed, regenerated and disenthralled by the irresistible genius of universal emancipation." It is our duty to see that they do not go half-clad, half-fed, unequipped or unprepared; to see that the war is not only fought, but financed; to prove their faith by our works; to subscribe liberally to the three billion-dollar Liberty Loan which is being floated, and the one million-dollar War Library Fund which is being raised, and

the Red Cross crusade, typical of twentieth century chivalry, and to join in the food conservation movement, which will mean, if a Pledge Card is signed for each of the twenty-two million families of the United States, and a meatless and wheatless day each week is observed, that nearly a quarter million bushels of wheat and two billion pounds of meat will be saved to be sent to our brave boys on the firing line.

It is as true in the life of a nation, as an individual, that "no one liveth to himself, and no one dieth to himself." We have become a world power, not in the sense of sinister intrigues with foreign governments, nor in the assertion of economic dominion throughout the world, nor in the abandonment of our ancient traditions, or isolation in the politics of other nations, but in our idealism in our mission of belting the earth with the bands of the light of liberty and the love of democracy.

"We are set, where ways are met,  
To lead the waiting nations on;  
Not for our own land is freedom's flag unfurled  
But for the world."

If the ruling military classes of Germany have divided the world into two parts—one conquered during the present war and the other, which is the Western Hemisphere, to be conquered later—the United States hurls the challenge of democracy that will eventually make for the fatherhood of God and the brotherhood of man. If Germany menaces the high seas by a nefarious submarine campaign, that is worse than "the devil carrying a dirk in the dark," the United States replies that the free, constant, unthreatened intercourse of

nations is an essential part of the process of peace and of the development of commerce. If German intrigue fills the thrones of the Balkan states with German princes, puts German officers at the service of Turkey to drill her armies and make interest with her government, develops plans of sedition and rebellion in India and Egypt, and, like the ancient fire worshippers, set their fires in Persia—throwing a broad belt of German military power and political control across the center of Europe and beyond the Mediterranean into the heart of Asia—the United States replies that the proud states of Bohemia and Hungary, the stout little commonwealths of the Balkans, the indomitable Turks and the subtle peoples of the East, have a right to their own national independence and their own political autonomy. The Macedonian cry is heard on every hand—"Come over and help us," and the United States, like Peter and Paul of old, have heard the cry and are carrying to the oppressed nations of the war a gospel of life and an assurance of liberty.

What a mighty march of heroic history passes before us today in panorama, and what a glorious inspiration there is in the strength of our organic form of government, in the breadth of our conceptions and in the nobility of our ideals! The American constitution, under which you and I are privileged to live, has been pronounced by Mr. Gladstone, England's greatest statesman, to have been the most wonderful document ever sprung full-fledged from the brain and the purpose of man. By virtue of the elastic construction of this constitution men of all countries have been brought together and fired



with a passionate loyalty, and, whether the material thrown into this crucible be the thoughtful Englishman, the chivalrous Frenchman, the thrifty German, the industrious Italian, the versatile Russian or the loyal negro, it emerges from the furnace purified of most of its dross and shines forth resplendent as the purest ingot of the world, the modern American.

“Yes, America takes but to give again,  
As the sea returns her water in rain,  
So she gives the chosen of her seed  
From the haunted of every crown and creed.”

“Her Germany dwells by the gentler Rhine,  
Her France dreams some dream divine,  
Her Norway still clings to her mountain pine,  
And broad based under all  
Is planted England's broken hearted mood,  
Is rich in fortitude,  
As every one worldward from the island war,  
Fused into her candid light  
All races here to one great race unite,  
Hereditary foemen forget their sloth and slogan  
Kith an kin,  
’Twas glory once to be a Roman,  
America makes it a glory now to be a man.”

It is our mission to instill this independent spirit of democratic manhood into the minds and hearts of our brothers in Europe and Asia, cowed by centuries of despotism and held 'Prometheus bound to the rock of relentless militarism.

America offers religious freedom as well as political liberty to the nations of the earth. In this land of our Jew and Gentile, Catholic and Protestant, are absolutely free to worship God according to the dictates of their own conscience. We are the only nation on the face of the globe that absolutely

illustrates the beautiful doctrine of the Apostle Paul, in the thirteenth chapter, the First Corinthians: "Though I speak with the tongue of men and of angels, and have not charity, I am become a sounding brass and a tinkling cymbal and now abideth faith, hope, charity, these three, but the greatest of these is charity."

"The day shall come when this our sacred church shall  
pass away,  
And in its place a mightier church shall come,  
Whose covenant words shall be deeds of love,  
Not 'Credo', 'Amo' shall be the word,  
Men shall not ask his brother any more,  
'Believest thou,' but 'Lovest thou,'  
Till all shall answer at God's altar,  
'Lord, I love,'  
For Faith my anchor, Hope may steer,  
But Love, great Love, is captain of the human soul."

America's religion is a religion of love, and our entry into this war is the assertion, not of territorial aggrandizement, not of commercial supremacy, not of political prowess, but of love, which would make the whole world an asylum for the poor and oppressed of earth.

Consonant and commensurable with these lofty ideals of political and religious freedom, there has been vouchsafed to us an economic supremacy, which renders the realization of our ideals possible. The wealth of our country is conservatively estimated to be over two hundred billions of dollars, and there is a per capita valuation for every man, woman and child in the United States of over \$2,000.00. We rank first in agricultural, manufacturing, mineral and timber output; we control two-thirds of the railways of the world; we are the only great exporting

nation of the world, with the exception of the Argentine Republic and Russia; and we are rapidly controlling the banking and merchant marine supremacy of the world. A few years ago a brilliant writer on the Pall Mall Gazette, one of England's leading journals, gave the following humorous description of the absolute dependence of the average Englishman upon the United States for everything the Englishman eats, drinks and wears, and this statement is truer today than when it was written:

"The breakfast of the Englishman consists of some beefsteak taken from a middle western cow, grown in Missouri, Kansas, Oklahoma, Ohio, Indiana, Illinois, Iowa or some of our middle western states; his wife plays with a piece of Chicago ox tongue; his children amuse themselves by eating some cereal or some rolled oats from the middle west. After breakfast the Englishman goes to his office, where he finds everything is American. He sits down in a Nebraska chair, at a Michigan rolltop desk, writes his letters on a Remington, Smith-Premier, L. C. Smith, Caligraph, Oliver or other typewriter of American make, signs his letters with a Waterman, a Paul E. Writ, or a Parker fountain pen, all made in the United States, and files his letters away in a letter file made by the Macey Letter File Company of Grand Rapids, Michigan. The Englishman, when he leaves his office to eat his lunch, finds that everything is American. His lunch consists of some cold roast beef taken from the same middle west cow, flavored with some Pittsburgh pickles, and he topples off with some canned peaches from old Arkansas."

Napoleon once said, and I believe Napoleon was right, "God is on the side of the heavy artillery," but, thank God, we have the heavy artillery in the United States. In inventive genius we surpass the world and our great enemy, Germany, has no triumphs of inventive genius rivaling the invention of the steamboat, by Fuller, the telegraph, by Morse, gutta-percha, by Goodyear, the incandescent electric light, the graphophone and the phonograph, by Edison, and wireless telegraphy by Marconi. This inventive genius has already begun to assert itself under the stress of necessity. We are constructing 22,500 aeroplanes of the Italy triplane type, capable of carrying three passengers and nine tons to each machine.

In my opinion these aeroplanes will be a decisive factor in the winning of the war for we must produce internal revolution in Germany and Austria before the rank and file of the central Teutonic peoples can be brought to a realization of Utopian falsity of their dreams of military conquests and world dominion. Unlike any previous war in history, in the opinion of eminent military critics, this great holocaust, in which we are now engaged, will not be won by a single battle or series of battles, but by the bombardment of munition plants, the destruction of factories, arsenals and bringing the people of Germany and Austria to a realization of "man's inhumanity to man." This can be effectively accomplished by our aeroplanes if we are able to outbuild the central Teutonic powers.

It will be a note of genuine encouragement to the gentlemen of the State Bar Association of Okla-

homa, to know that a bomb had recently been invented by a Pennsylvania inventor and presented to the 64th congress in executive session, which, if successfully operated, should prove the most dangerous weapon in the annals of military warfare. This bomb is seven feet high. It is operated by an air valve which, timed with mathematical precision, causes a terrific explosion when the air strikes a chemical compound. It explodes by centripetal and centrifugal force, combining the joint effects of dynamite and black powder. It was recently tried out on Virginia Islands on the eastern coast of the United States, and so terrific was the force of its explosion that it tore up every rock and tree within a radius of a half mile. I understand, from high military officials of the United States, that this bomb will be employed in resisting the spring drive on the western front, which Germany is preparing to make.

We have, also, definite knowledge of the invention of the depth bomb and the concrete subsible which bids fair to revolutionize nautical warfare. Yet, in spite of these triumphs of our economic and inventive genius, the situation is serious. We are not at a Fourth of July picnic or at a Maypole dance, but are confronted by war, grim-visaged war. Germany occupies four times as much area and has within the control of her armies and civilian population six times as much food acreage as she occupied three and a half years ago at the outbreak of the war, with 2,500,000 Russian prisoners to cultivate this food acreage. She has conquered and holds Roumania, Serbia, Montenegro, Russian Poland, the

entire Russian country up to Riga, 1,000 miles in Italy, 85 per cent of Belgium, and 246 square miles in France. There is little likelihood that she can be starved out, and until the real issues of the war are brought home to the German people they will continue to over-subscribe her loans and furnish the necessary credit for the mobilization of her troops and resources. She is practically the only nation in the world that has made a census of her man power, which has been carefully selected with reference to occupation, and we are told that she has fully 400,000 carpenters and 200,000 electricians and mechanical engineers who have never seen the trenches or the firing line. Official authorities admit that Germany can put into the field 800,000 men each year, and that her average losses for the past year, and that her average losses for the past three and a half years have been only 400,000 annually, leaving a tremendous reserve power upon which she can draw. In her three landstrums, in reserve, we are told that there are fully 12,000,000 men.

In conclusion, gentlemen of the Oklahoma Bar Association, may I remind you, the representatives of this great state, who have extended me the honor of an invitation to deliver your annual address, that we are living in a different Arkansas today from the state that was once cartooned as the "land of the Arkansas traveler, wearing his coonskin cap and coming to the fork of the road not knowing which fork to take." Our economic resources are limitless, and we could build a Chinese Tartary wall around our state and every one of our 2,000,000 people be practically independent of the outside world. Our

apples have captured the first prize at the last six International Expositions, and the largest apple ever placed on exhibition in the world was an apple raised near Sulphur Springs in Benton County, which weighed 29½ ounces. The soft blushes of our famous Elberta peaches, nestle in the snow white virginity of our fields of cotton, and the only solid carload of peaches that was ever shipped abroad was sent to London some three years ago by Mr. Bert Johnson, an Arkansas truck grower, living at Highland, in Pike County. With a cotton yield of approximately 1,100,000 bales, we have advanced within the past five years from seventh place to third place as a cotton producing state. Our corn and other cereal acreage this year, under the inspiration of the Profitable Farming Movement, has increased fully 35 per cent, and our rice crop for 1917 will approximate 7,000,000 bushels. We have the largest acreage yield of rice in the world on the beautiful prairie stretching from Little Rock to Memphis. Eighteen of our counties have valuable deposits of semi-anthracite coal, and the smokeless coal now used by the United States navy is mined in Sebastian County, near Fort Smith. We produce 34 per cent of the world's bauxite, and 83 per cent of the bauxite of the United States in Saline County. We rank first in the production of ash, cottonwood and red gum; third in the production of hickory and oak, and fifth in the production of yellow pine in the United States. We have the only diamond mine on the western hemisphere in Pike County, a mile and a half from Murfreesboro, from which over 4,000 genuine diamonds have already been taken. Our lead

and zinc mines in northwest Arkansas are beginning to rival the famous mines in Joplin, Mo. Montgomery, County, Arkansas, could furnish you all the slate that you need to roof every house in your great city.

Our state is on an absolutely cash basis, with a secured indebtedness of \$750,000. Our higher institutions of learning have been taken out of politics and rendered independent of legislative lobbies by being placed on a special millage basis. We have recently enabled our struggling school districts to levy a maximum of 12 mills rather than a maximum of 7 mills, as heretofore, for local school purposes, and nearly 400,000 school children are today enrolled in our public schools. We have a compulsory education law which requires children between the ages of 7 and 15 to attend school at least three-fourths of the school term. We have taken advantage of the Shackleford Good Roads law, introduced by a distinguished congressman from Missouri, and within the next five years will receive from the federal and state governments \$1,500,000 for the improvement of our highways. The third road project in the United States to be undertaken under the provisions of the Shackleford Act, is a substantial asphalt road with Warrenite surface, five and three-tenths miles in length, leading up to the cantonment, the headquarters of the 87th Division of the United States army, where 46,000 troops will soon be stationed. We have recently secured an aviation school at Lonoke. Arkansas has furnished over 7,000 volunteer soldiers to the National Guard, and over 10,000 selected troops to our National army, and 26,000 of her brave



sons to various branches of our military and naval service. A generous encouragement is given to capital to be invested in the virgin resources of our commonwealth, and our bankers are rapidly becoming veritable captains of industry. A constitutional convention assembled on the 19th of November to frame a new organic law in our state, which will undoubtedly secure to state, counties and minor political subdivisions, the right to issue bonds for internal improvements, without resorting to the subterfuge of the improvement district, curtail the evil of local legislation, make more stable the tenure of officers and enact other reforms that will virtually remake our state.

We have taken the initiative among southern states in giving our splendid womanhood the right of suffrage in primary elections. We have established a rigid examination for admission to the bar, this examination to be held in open court by attorneys appointed by the court, and have prescribed written examinations to be passed on by a body designated by the Supreme court of our state. There is now pending an amendment designed to increase the membership of our Supreme Court from five to seven, creating a bipartite division of the court with the Chief Justice alternating as the presiding judge in each division, a plan already in vogue in California, which greatly expedites the business of our highest tribunal.

The population of our state is a substantial middle class, where there is neither the froth of aristocracy nor the dregs of the submerged tenth. Over 80 per cent of our people live right out in the coun-

try, and we are not confronted with the ills in our commonwealth of congested city populations, with their tenement districts on the one hand and the idle rich on the other. 3,500,000 acres of cut-over land, which can be secured from \$5.00 to \$10.00 and acre, await desirable immigration within the confines of our state, and these lands may be secured from our enterprising lumber companies on most reasonable terms, as to the length of the loans and condition of payment. We are rapidly introducing improved breeds of cattle, hogs and poultry, eradicating the cattle tick by means of the dipping vat, conserving the health of our people by proper sanitary measures and ushering in an age of peace and prosperity. Some one has humorously said with reference to our hog industry that "if all the hogs of Arkansas could be put into one hog, we would have a hog with a snout long enough and strong enough to dig the Panama Canal without any steam shovels." At Hot Springs, Heber Springs and other noted health resorts in our state, a modern Ponce de Leon may find fountains of perpetual youth.

When I tell you, gentlemen, that the assessed valuation of the property of our state has increased over sixty millions within a single year, it is certainly evidence not only of our unexampled prosperity, but of substantial reforms in our fiscal and assessment systems. Arkansas is no longer a provincial and home-spun commonwealth, but is a state that has an empire of vision in her brain.

"We are broad backed, brown handed,  
Upright as our pines,  
And by the scales of a hemisphere  
Shape our designs."

Gentlemen of the Oklahoma Bar Association, as Governor of my great and progressive state, entrusted by my generous and God-fearing people with the highest trust and responsibility which can fall upon any man, I extend to you a cordial invitation to visit one of the most entrancing and progressive commonwealths in the American Union, a land of romance and of mystery, made sacred with the blood of heroic sons poured out like water upon her buttressed walls, rivers flowing through dense and dark forests, a land ennobled by having cradled some of the most magnificent statesmen, matchless orators, thrifty artisans, substantial farmers and noblest women of our southland, and I pledge you in this magnificent presence, where there are gathered over 500 of the men who have made Oklahoma the great state that she is, that Arkansas reaches across the beautiful Ozarks and clasps your hand in a common bond of American patriotism and American preparedness. My state will have the honor of entertaining the National Editors' Association, the National Good Roads Association and the Southern Cattlemen's Association, and the National Federation of Women's Clubs within the next year, and we feel big enough to extend to the whole state of Oklahoma an invitation to be our guests.

Forgetting the things that are behind, let us press forward toward the prize, the high calling of our magnificent destiny as American citizens, citizens no longer of Arkansas and Oklahoma, nay, no longer of the United States, but citizens of the world, enlisted in the twentieth century crusade for liberty and democracy, and purity of ideals, wearing like

the cavaliers and crusaders of old, armors, whose helmet is truth and whose sword is charity for all mankind, never drawn except in defense of human rights, and never sheathed until despotic wrongs by the military masters of the world are righteously avenged.

“Henceforth, O America, we look up to thee,  
Not down at other lands;  
Arise, arise, be not proud, be humble and be wise,  
And bow thy head to the Great Unknown  
One, who on high,  
Hath willed that as a land,  
America shall never die.”

## THE UNITED STATES DISTRICT COURT.

JUDGE RALPH CAMPBELL.

Mr. President and Gentlemen of the Oklahoma State Bar Association:

Your President, Judge Bailey, did me the honor some time ago to request that at this meeting I read a paper on some subject relating to the federal court, its practice and procedure, or some kindred subject. It shall be my purpose very briefly to consider the origin, and present jurisdiction of the federal district court, something of its procedure and its part in the work of disposing of the great volume of litigation which present day activities impose upon the courts, both federal and state. As of course is familiar to lawyers, its origin is found in Art. III, Sec. 1 of the Federal Constitution providing that the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the congress may from time to time ordain and establish, which fixes the tribunals in which the power shall vest, and in Art. III, Sec. 2, providing that the judicial power shall extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; be-

tween citizens of the same state claiming land under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

While the last quoted provision outlines the extent of the judicial power reposed in all the courts so provided for, the extent of such power vested in the federal district court is fixed by congressional legislation as now expressed in chapter two of the Judicial Code, approved March 3, 1911, and comprises, roughly speaking, first, all civil suits at common law or in equity in which the United States is a party, and suits between citizens of the same state claiming lands under grants from different states. In the foregoing classes the jurisdiction is not conditioned on the amount in controversy. The jurisdiction also extends to suits where the matter in controversy exceeds, exclusive of interest and costs, the sum or value of three thousand dollars, and which arise under the Constitution, laws or treaties of the United States, or which are between citizens of different states, or between citizens of a state and foreign states, citizens or subjects. The jurisdiction extends also to all crimes and offenses against the United States laws; admiralty and maritime suits; cases arising under the internal revenue laws; under the postal laws; the patent, copyright and trademark laws; the laws regulating interstate commerce; certain matters relating to national banks; matters and proceedings in bankruptcy, and many other matters of special jurisdiction, but those mentioned comprise the cases of most common occurrence. From this it is apparent why federal courts, especi-

ally in the more densely populated districts of the country, have plenty of work to keep several judges reasonably busy. In the districts in this state, as is well known, the litigation in the federal courts largely involves cases arising on diversity of citizenship, or where a federal question is involved, or where the United States is a party, and in bankruptcy and criminal matters. By reason of the phenomenal oil and gas and other mineral resources of the state, and the consequent influx of foreign corporations and persons from other states tempted by the chances for profitable investment, litigation involving diversity of citizenship has been and is very considerable. In the Eastern District, many cases involving federal questions, and an avalanche of cases in which the United States is a party, seeking relief for Indian wards in relation to their lands, and kindred matters, have poured into the federal court during the past ten years of statehood, and the end is not yet. Time and again during that period, after an unusually strenuous effort to clear the docket, with only partial success, or when the appellate courts had declared the law upon a batch of knotty Indian problems, the writer has been optimistic enough to hope that the most perplexing questions were disposed of, only to find that, like the "Hydra-headed monster," the settlement of one question gave rise to two or more new ones more difficult of solution, and presented new Herculean tasks.

We have had the usual run of bankruptcy cases, and criminal cases galore, especially of the liquor variety because of the Indian situation. So that

there is always "something doing," very little occasion for ennui, and no ground for anxiety or fear that the court might be abolished for want of business to occupy its time.

From the foregoing resume of the court's jurisdiction, it will be observed that it attaches to matters many of which are naturally not matters of state court cognizance, as well as to matters which, while within the jurisdiction of the state courts, have features which have impelled congress to make this jurisdiction concurrent with the federal courts, so that a large field of activity is presented without impinging upon the jurisdiction peculiar to the state courts. Every session of congress for several years past has enacted one or more new laws adding to the labors of the federal courts on both the civil and criminal sides of the docket. Peculiarly is this true now, since we are at war. We are forcibly reminded that "new occasions teach new duties." With the advent of the pacifist propaganda came the crank talking sedition and interference with the constituted authority, whereupon congress passed the act last February penalizing the making of threats against the President. With the Selective Draft law, enacted last May, came the provision penalizing wilful failure to register. With the Espionage law, enacted last June, came several provisions against spying, and the penalty against causing or attempting to cause disloyalty, mutiny or refusal of duty in the military or naval forces, or wilfully obstructing the recruiting or enlistment service of the United States to the injury of the service or the United States. There are still others which might be men-



tioned, and the present session of congress will undoubtedly add to the list.

Out of the feature of the Espionage Act making it an offense for two or more persons to conspire to violate certain provisions of the act there arose in the Eastern District a case of considerable magnitude last summer, when a large number of persons in certain portions of the district were charged with banding together to oppose by force the operation of the draft law as applied to the young men of those communities. At a special session of the grand jury held at McAlester in September nearly two hundred persons were indicted under one conspiracy charge. The case was tried at the following October term, which was held at Ardmore, where there is a very comfortable courtroom, amply large for all ordinary purposes, but not built in contemplation of the trial of a case involving anything like two hundred defendants. The problem of getting all the defendants into the courtroom at one time, and still leaving room for the jury, the court officials and the attorneys, was a serious one. However, it was accomplished, and the case disposed of. It is hoped, however, that no other case of this magnitude will arise.

While I recognize before me many lawyers whose practice brings them frequently into the federal court, and to whom what I shall say about the practice there is already an old story, still I am reminded almost every week by some lawyer appearing probably for the first time, and apologizing for his lack of familiarity with the practice, that there exists in the minds of some of the members of the bar

a vague dread of the federal court, which I feel sure should be dispelled by a careful study of the federal equity rules, and a realization of the fact that in civil actions at law the practice is by act of congress made, so far as may be, that provided for similar actions in the state courts by the state code of civil procedure. It is true in the federal courts the distinction between actions at law and suits in equity is still maintained, and each case must take its place upon the law or equity docket according to its character, as being of legal or equitable cognizance, a distinction to a degree abolished in the state courts. But even in the state courts, where matters of legal and equitable cognizance may be joined in the same suit, the pleader should be able to distinguish between these two classes of actions, and the same discernment necessary there will enable him to determine in the federal court upon which side of the docket his action falls. In this connection it is interesting to note that by an act approved March 3, 1915, congress has in a measure overcome some of the difficulties heretofore encountered on account of this distinction by an amendment of the Judicial Code as follows:

“Sec. 274a. That in case any of said courts shall find that a suit at law should have been brought in equity or a suit in equity should have been brought at law, the court shall order any amendments to the pleadings which may be necessary to conform them to the proper practice. Any party to the suit shall have the right at any stage of the cause, to amend his pleadings so as to obviate the objection that his suit was not brought on the right side of the court.

The cause shall proceed and be determined upon such amended pleadings. All testimony taken before such amendment, if preserved, shall stand as testimony in the cause with like effect as if the pleadings had been originally in the amended form."

"Sec. 274b. That in all actions at law equitable defenses may be interposed by answer, plea or replication without the necessity of filing a bill on the equity side of the court. The defendant shall have the same rights in such case as if he had filed a bill embodying the defense of seeking the relief prayed for in such answer or plea. Equitable relief respecting the subject matter of the suit may thus be obtained by answer or plea. In case affirmative relief is prayed in such answer or plea, the plaintiff shall file a replication. Review of the judgment or decree entered in such case shall be regulated by rule of court. Whether such review be sought by writ of error or appeal the appellate court shall have full power to render such judgment upon the records as law and justice shall require."

Further obstacles are overcome by provisions in the new equity rules for the transfer to the law docket of a suit commenced in equity which should have been brought as an action on the law side of the court, and the further provision that if in a suit in equity a matter ordinarily determinable at law arises, such matter shall be determined in that suit according to the principles applicable, without sending the case or question to the law side of the court. Under the new equity rules which became effective February 1, 1913, the practice on the equity side in the federal court has been simplified to an extent

very much greater than can be appreciated by one who has not taken the time to carefully peruse these rules. While there are still no doubt improvements which practice and experience will develop, they are a long step in the right direction out of the maze of form and technicality which characterized the former equity rules; and given a working knowledge of the fundamentals of equitable jurisprudence and remedies, no lawyer who is willing to devote the comparatively short time necessary to acquiring a working knowledge of the rules, which by the way are as simple and understandable as the state code of civil procedure, need question his ability to conduct a suit in equity in the federal court with the same facility with which he conducts litigation in the state courts. The requirements for the bill are the most simple, very similar to that for a petition in the state court. The answer sets out in short and simple terms the defense to each claim asserted by the bill, omitting statements of evidence, specifically admitting or denying or explaining the facts upon which the plaintiff relies, and without cross-bill, stating in short and simple form any set-off or counter-claim against the plaintiff which might be the subject of an independent suit in equity against him, which shall have the same effect as a cross-suit so as to enable the court to pronounce a final judgment in the same suit both on the original and cross-claims. The bill may be attacked by motion to dismiss and the answer by motion to strike. On the trial of the case, the testimony, except so far as depositions are necessary, is taken orally in open court, and the expensive, cumbersome and delay-

producing method of examiners is practically abolished. The form of decree is outlined in rule 71, and is most simple. These are some of the outstanding features of the new equity rules and serve to illustrate the simplicity to which the old complex federal equity practice has been reduced.

So far as relates to criminal procedure, the codification of a large part of the criminal laws in what is styled the Criminal Code of the United States, enacted by Congress in 1909, effective on and after January 1st, 1910, has greatly simplified the work on that side of the docket by bringing together into one act of 345 sections, properly classified, the great volume of federal criminal statutes which theretofore had been scattered through many volumes of the Statutes at Large and the Revised Statutes, covering a wide range of years. In this code, in separate chapters, are now found the laws relating to offenses against the government, against neutrality, against the elective franchise and civil rights of citizens, offenses relating to official duties, offenses against public justice, against the currency, coinage, etc., against the postal service, and many other less common offenses. The state code of criminal procedure has no application to criminal trials in the federal court, the trial being according to the settled rules of procedure at common law, as modified from time to time by acts of Congress. The United States Constitution establishes certain fundamental rights, as for instance, that no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury; that providing for a speedy and public trial by an

impartial jury of the state and district where the offense is committed; to be informed of the nature and cause of the accusation, and to be confronted by the witnesses against him; compulsory process for obtaining witnesses, and to have counsel for his defense. When the offense charged is treason or a capital offense, the defendant is entitled to twenty and the United States to six peremptory challenges. On the trial of any other felony the defendant is entitled to ten and the United States to six peremptory challenges.

I want to impress especially upon the younger members of the profession, who may not as yet have had occasion to appear in the federal court, and who have some trepidation about doing so, that there is nothing unusually formidable or mysterious about the practice or procedure. It is true, in a few matters of form, it differs from that of the state courts. There is a rule requiring counsel to stand while addressing the court or examining a witness, which is thought to tend to dispatch of business, as thinking on one's feet seems to tend to brevity, and then, where the witness is inclined to be pugnacious, counsel is less liable to be taken at a disadvantage. In jury cases counsel are required to make their arguments before the charge of the court to the jury. This is because the judge insists on making the last speech, which sometimes in criminal cases especially, is considered very disastrous by the defendant.

The writer has spent ten very busy years on the federal bench. They have had their perplexities and worries. They have tended to greatly increase an incipient bald spot, and have liberally silvered a

rapidly thinning thatch. But no little part of the compensation for the labors involved has been the appreciation that through it all he has had the assistance and never-failing courtesy and consideration of a company of lawyers as congenial and able as can be found at any bar; and another source of gratification is that through all the difficulties incident to the formative period in the new state's judicial history, nothing has arisen to mar the comity of relationship between the state and federal courts, a condition most desirable in the sometimes delicate situations presented under our dual form of government.

Without further trespassing upon your time and patience, I wish each one of you a happy and prosperous New Year.

## THE LAWYER'S RELATION TO THE WORLD WAR.

C. B. STUART,  
Oklahoma City.

The subject assigned to me by our President, is one which covers in its contemplation and discussion, a wide area; and it will therefore be quite difficult to confine within a few pages such reflections and suggestions as may meet the consideration and approval of this body of men before whom I appear. I know you; I know your mental habits; I know your predilections and I know well that in this great crisis in the world's history only the best and most sincere that is in each of us must be given to our country. Mere rhetoric, polished sentences, high sounding phrases, will count for nothing with you, unless they may perchance help to embellish and set before you in an attractive way the cold logic of facts. No utterance at this time, either public or private, is worthy of attention, unless it tends in some way to keep going the fires of patriotism, and unless it is tempered and controlled by the purposes and hopes of militant democracy, which, in anguish of soul and in sacrifice, is marching on to redeem the earth.

In this dreadful hour when the civilized world is standing on tip-toe waiting for this republic to strike the final and culminating blow in this conflict between Christian civilization and savage barbarism, it behooves each of us to find quickly his path of duty and to follow wherever that path leads. You must pardon me if I speak a foreword touching upon



the obligations which rest upon us, both as a body and as individual lawyers. In every governmental crisis in the modern world, which threatened the life of liberty, or which struck at the root of personal rights of private property, the lawyer has been there—as a teacher, as an advisor, as a conservator; always as a patriot. I speak, I think, in moderation, when I say that the legal profession of America made and constructed the American Constitution, and has done more than all the rest of the body politic to preserve it. At this very moment, every lawyer is needed. He is both a prosecutor and a defender. He must be able to justify and defend before the bar of public opinion the conduct of his country in this unhappy hour; and it is his duty to condemn every man or woman who, by word or deed, assails the purity and integrity of his country's motives. Our duty as lawyers, is to keep ourselves accurately informed so that we shall be able at all times to silence by a plain statement of law and fact, the voice of unpatriotic protest and criticism. In this way, it appears to me, that the lawyer can render a great and constant service in holding up the hands of those upon whom rests the primary responsibility of this great conflict. If, therefore, I shall be able to state in a brief, plain way the causes which led to this world war, the claims and counter-claims of each participant, and if we can find from a cool and impartial survey of the whole field, the guilt or innocence of each contending government, we shall know where to defend and who to condemn.

Without further preface then, and bluntly, but sincerely, I charge before you now that all the blood-

shed, the privations, the horrors of this terrible world struggle, must be laid at the doors of Austria and Germany. Their lust for territory, their unholy ambitions, their devilish and wicked autocratic assumptions and effrontries, are the parent of all this misery. I make this statement in the confident belief that it can be sustained by unimpeachable evidence, and by the laws of God and of nations, as applied to such evidence.

I shall, therefore, direct your attention first to the European conflict, and then to the entrance of the United States and her justification for such entrance.

Austria threw the fagot that started this great conflagration, and Germany, as was said by Wirt in his prosecution of Burr for treason, was her aider, her abettor, her active executor. An Austrian grand duke and his paramour were assassinated by Serbians. The deed was cruel and wanton, but was not committed without tremendous provocation. We concede that Austria had a right to complain; but let us see how she did it. Austria knew, as every child student of history knew, that the moment she moved against the autonomy and independence of Serbia, she would incur the opposition, armed, if necessary, of Russia, who had always stood, by reason of racial and blood lines, as the sponsor and protector of Serbia. Germany also knew this and knew it better than Austria. And now, mark you, as we proceed, how these two partners in a crime, the greatest in the chronicles of history, moved and acted together. It must be always kept in mind that the

voice of Germany at the court of Austria was more potential than that of all Europe besides.

Austria made her demand upon Serbia. On July 23, 1914, she handed her imperial note to Serbia and fixed forty-eight hours as the time limit within which Serbia should make answer. It is conceded by publicists, by diplomats, and by international lawyers everywhere, that Austria's demands were incompatible with the sovereignty of a free state and an open insult to the Serbian people. Mr. Choate, a great American lawyer and diplomat, denounced the action of Austria against Serbia, as brutal. Austria demanded in effect, not only that Serbia be hounded and punished, but that the future government of Serbia should be under Austrian supervision and control. Serbia's compliance with Austria's demands would have made her Austria's vassal. The note necessarily created great excitement and agitation, because all Europe knew that it was the forerunner of a storm, and the world when it understood Austria's note to Serbia, believed that Serbia would at once reject Austria's ultimatum; but this was not done. Austria communicated the Serbian note to the European powers on July 24th. At this juncture, England and France and Russia actually pleaded with Austria to extend her time limit so that they might analyze the demands of Austria to the end that an adjustment between the two countries might, if possible, be reached. This request, Austria, in defiance of international law and custom, curtly refused. But England, which was working and praying for peace, did not slacken her efforts. She, in

conjunction with Russia, prevailed upon Serbia to answer Austria's demand; and, in words and tones which spoke almost abject humility, Serbia practically conceded Austria's demands; but stated that if Austria was not satisfied with her answer and her humiliation, she was willing, in order to preserve peace, to submit the matters in dispute between her and Austria, either to the International Tribunal of The Hague, or to the great powers. This suggestion was foredoomed to failure. Germany and Austria had always opposed international arbitration, and, indeed, were always the disturbing element at The Hague conferences.

When the Serbian reply was received, Austria immediately broke her diplomatic relations with Serbia, and recalled her ambassador. The war cloud grew blacker and blacker; but Viscount Grey of England, who was indefatigable in his efforts for peace, now proposed that Germany and Italy, both members of the triple alliance, should, with France, confer with England in the city of London, and endeavor together to formulate and state a basis of settlement between Austria and Serbia. France and Italy accepted Grey's proposition immediately, and even Russia agreed to abide by the decision of this conference of the four great powers, whatever that decision might be.

We now come to the first public entrance of Germany upon the scene, although there can be no doubt that she was at all times in touch and sympathy with Austria's purposes. Germany rejected Viscount Grey's proposal and stated as her main reason for such rejection, that it might wound and im-

pair the dignity of Austria as a world power, to be haled before any European tribunal. Right here, I ask you, to note the arrogance and the intolerance of this suggestion of Germany. Austria also declined Grey's proposal. But Germany, with malicious cunning, seeking to bring about the very result which was brought about, proposed that Austria and Russia should discuss between themselves the whole matter and avoid, if they could, a general European war. Russia and France and England accepted this German substitute, but Austria again refused, and immediately declared war against Serbia. The correspondence between the powers of Europe and their diplomats show conclusively that Germany knew Austria would refuse this German substitute. But England was still anxious to maintain the peace of Europe, and she tried in every way to confine and localize, as far as possible, the conflict between Austria and Serbia, but to no avail.

In the meantime Austria had mobilized her troops against Russia, because she knew that her treatment of Serbia justified resistance from Russia, and she expected such resistance. Russia, of course, and as she had a right to do, immediately mobilized her troops against Austria.

The great powers realized at once that unless something was done quickly, a world war was at hand; and so it happened that the King of England was persuaded to wire the Kaiser begging him to accept Grey's proposition that the great powers of Europe mediate at once between Russia and Austria. If Germany had agreed to this suggestion, this conflict would have been averted; but it is a strange

thing, and it will always remain a strange thing in the history of these times, that neither Germany nor Austria made answer to the English king. Germany had effected her purpose. At this time she knew that neither France nor Russia was prepared for war. There can be no doubt that she considered the time ripe to push her ambitious schemes by force of arms. She had been preparing to strike this blow for more than a quarter of a century, and she was only waiting for some pretext, however slight. It must be borne in mind now that Russia had not taken up arms against Germany and was at this time threatening neither the German frontier nor the German people. Russia's move was solely against Austria as the oppressor of Serbia, and this move was not made until after Austria had commenced to mobilize her troops against Russia. Like a thunderbolt out of a clear sky, Germany abruptly stated to Russia that her mobilization of troops was a menace to Germany and made the unprecedented demand that Russia within twelve hours should commence to demobilize and to cease any military preparation against Austria. Of course, this precipitated a general war. Germany was eager because she felt that in her splendid condition of preparedness she would be an easy winner against France and Russia. But, in her greed she went too far, and forced the armed hostility of England, and of her own ally, Italy, and thereby opened the way for her final downfall which under the providence of God, we believe to be near at hand. The Kaiser's dream of extended empire began to inflame the German people. He was ready, and he justly reasoned that

a quick, decisive blow at France, would force her to capitulate, and that then Russia, with her internal dissensions and corrupt government, would be an easy victim. If she had at this juncture observed the rules of war and the pact between the great powers, she might have succeeded and the map of the world would have been changed. But, as sure as fate, right here she dug her own grave. In order to procure swiftness of action and quick marches, she demanded of Belgium free passage for her troops, because she long ago had made a passage through Belgium to France, a part of her military campaign against France, and it was too late now to change. Belgium, acting rightfully, and justly, refused this demand. Germany at once occupied Belgium territory by force. This wicked and unauthorized conduct on the part of Germany furnished a *Casus Belli* to England and affronted and shocked the civilized world. As far back as 1839 Germany, England, France, Russia and Austria had by solemn treaty, guaranteed the neutrality of Belgium and the inviolability of her territory. This treaty, known as the "Treaty of London" provided in terms that Belgium should always be an independent and neutral state. It is agreed that this provision in the Treaty of London was but declaratory of Belgium's sovereign rights. This declaration precluded any belligerent power from occupying Belgium territory with troops; and, indeed, it was said by The Hague convention of 1907, that a neutral state had the right to use force to expel a belligerent fighting another country, and that this could not, under international law, be treated as a hostile act justifying war. Ger-

many, one of the signatory powers to this solemn treaty, asserted boldly that it was but a scrap of paper, and held it for naught. History holds no blacker page than this. Do not these things demonstrate to you without further statement or discussion, that for years Germany had been planning to override Europe? Do they not show that Germany was hand in glove with Austria, and that she precipitated deliberately and wickedly this world war? If England had not declared war against Germany for this breach of faith and this rape of Belgium—the same little Belgium whose valor renowned in the days of Julius Caesar led to her own undoing but saved France—she would have been false to herself, her history and her traditions.

I have thus made a rapid survey of this European situation prior to the entrance of America into the conflict, to show you the character of the belligerents and the problems which confronted the United States; and we now come to consider the reasons which compelled our own country to take up arms.

Ordinarily, the quarrels between foreign countries is to us of no concern. Ever since Washington's day, we have avoided interference in European quarrels and controversies, and we have, above all, avoided entangling foreign alliances. This has been the settled policy of the United States for a century and more, and sitting here as lawyers who are accustomed to reason out things and to look at cause and effect, you must know that some extraordinary event must have transpired to force a de-



parture from this policy by congress and the president.

Woodrow Wilson was elected as a peace President. The people of the United States believed he was for peace; and right valiantly and truly has he lived up to their hopes, and promises and professions. We all know that ambitious speculators and jingoes sought to embroil us with Mexico, but the President would have none of it, and nothing sufficed to shake him from his splendid poise and balance. His very soul abhorred war, and the future historian will never record a nobler and more unselfish struggle to keep the United States at peace than that made by our President. He pleaded, he implored, he begged that Germany would not force us into this war. One of our most cherished policies, both for our security and for the development of our commerce, has been at all times to stand for the freedom of the seas. The sea is the highway furnished by God himself for intercourse and commerce between the nations of the earth. The United States has always stood for some law of the sea that was based upon mutual right and protection and which would inure both to the weak and to the powerful. Germany took the sea into her own keeping, without warrant in law or in morals, and arbitrarily, without right of conscience, established a war zone around England and France, and by the use of the submarine, a new weapon of warfare, attempted to make this zone effective. She sunk ruthlessly and without warning any neutral ship coming into this area. Prior to this time, it was believed and held to be a fixed canon of international law that any

neutral had the right, not only to sail the seas anywhere and at any time, but had the right to sell to belligerents munitions of war. The United States relied upon this admitted principle of international law, and sent her ships abroad upon the high seas on missions of peace and commerce, only to be sunk without warning by German submarines. United States citizens were murdered in the most brutal manner. Although those outrages inflamed our people, the President remained calm and steadfast to his purpose to escape war, if possible. He knew that the submarine was a new weapon of warfare whose lawful activities had not yet been considered from a standpoint of international law. Realizing this, he did not ask Germany to cease her submarine activities, but he called upon Germany in a most Christian and conciliatory spirit to desist from her ruthless warfare and to give neutral ships their proper place and protection upon the high seas. Germany made promise after promise to reform, and we waited. But we know now that her mouth was full of lies and again and again she violated these solemn promises. The unprecedented and brutal conduct outlawed Germany and stamped her as a criminal among the nations of the earth. But this was not her only offense against our country. She honeycombed it with spies and anarchists and bomb throwers and thugs. She used her money to corrupt public officers and sought by secret methods and devices to embroil us with Mexico and Japan. The patience of Congress and our President was exhausted. In the face of these infamous proceedings, what were we to do? As a self-respecting

nation of people devoted to liberty and law, there was nothing left but to fight. Germany literally forced this war upon the United States. There was no retreat for us; there was no alternative. So that it comes to pass beyond all peradventure that Germany was not only the leading spirit in precipitating the European conflict, but forced the United States into the struggle by conduct and practices disgraceful and abhorrent to every patriotic sense of right and decency.

With these facts before us, can any one of you find any difficulty in upholding our government, and in being ready at all times to defend her? Some critics have claimed that we ought not to have joined hands with France and England, because this may result in an entangling alliance which will come back in future years to plague us; but this criticism is not just, because the alliance we have made does not and cannot entangle us. Our President has declared that it is a partnership whose purpose is to make democracy safe for the world and the world safe for democracy. I regard it rather as a union between Christian people to meet terrible common menace and to compass the defeat and destruction of this mad dog of Europe, who, with his associates, has subverted the law and waged a warfare the most brutal and wicked known to the annals of time. I believe now I have shown to you that Austria and Germany are the guilty participants; that they wilfully forced this world war and that not only our European allies, but the United States as well, are justified of God and man never to quit until the Hohenzollerns and Hapsburgs are wiped out and

their people, as well as the other people of the earth, are permitted to govern themselves. So, let us be prepared to speak for our country. Let us uphold and support our great President, whose heart is bleeding for his people and for humanity. I am not one of those who believe in curbing free speech. I am not one of those who feels that public officers, either in war or in peace, should be above and beyond just criticism, but I do say to you now, that he who carps and continually criticises our Government is a poor patriot, and he who opposes it or cripples or embarrasses by word or deed her efficiency is a traitor.

I have not stated one fact here, nor have I made a single assertion, which in my judgment, can be denied or successfully answered. Let us, therefore, meet these hostile criticisms and let us be ready to fasten this responsibility for this great crime upon those who are responsible for it. Our mission as lawyers is to propagate the truth and bring these things home to the people so that they may understand. She is secretly working everywhere to dull, if she can, the edge of American patriotism. This war will cost blood and money, but the cost must be paid. It is better to die a free man than to live a slave under German domination. It is better to perish for the emancipation of mankind from autocracy and tyranny, than live to see the degradation of the world. God bless our soldier boys and God grant that they may bring victory and lasting peace to these shores.

## THE WORKMEN'S COMPENSATION LAW.

J. S. Ross,

Oklahoma City.

The Workmen's Compensation Law now in force in the State of Oklahoma is the evolution of the various acts and laws that have been passed by all of the civilized countries of Europe and improved upon and extended by a number of the States of the Union. Previous to the enactment of this law Oklahoma operated under the common law as handed down from England and as modified, softened and corrected by the various jurisdictions in America. It was the duty of the master to furnish his servant a reasonably safe place in which to work, reasonably competent and careful fellow-servants, reasonably safe tools and appliances, to provide suitable and reasonable rules for carrying on the work, and to warn and instruct youthful and inexperienced servants as to the dangers incident to the employment. The defense of contributory negligence was always open to the master, provided there were any facts upon which to base that charge; also, the defense that the servant assumed the risk and that the proximate cause of the servant's injury was the negligence of his fellow-servant. Our Constitution changed the law relating to these defenses by abolishing the doctrine of fellow-servant with respect to those engaged in underground mining and in operating railroads and street cars, and established the rule that the defenses of contributory negligence and assumption of risk should at all times

be deemed questions of fact to be passed on by the jury.

As the world progressed in other lines and the modern machinery revolutionized the manufacturing industries, thereby substantially and materially changing the conditions under which men worked, making the hazards incident to an employee's duties infinitely greater and more numerous, and as the spirit of humanitarianism became more manifest and the necessity for protecting the life and limb of employees became more imperative and the duty of providing for the dependents of the employees became more necessary, thereby relieving society of the burden of taking care of indigents, and the economic importance of arranging for the industry in which a man became hurt to bear its proportionate part of the unfortunate consequences of this situation, the wisdom of the plan of workmen's compensation, or some other means of a similar nature, became more obvious.

While the doctrine of liability for personal injuries is of ancient origin, the idea that a master was liable to his servant for injuries sustained while in the scope of his employment did not receive any fixed status until 1837, although for two hundred fifty years after the Magna Charta was adopted it was the law of England that one was liable to those injured by his acts or by the acts of persons or instrumentalities for which he was responsible, without regard to the question of negligence or any kind of culpability; and it is an historical fact that it was not suggested until about the year 1466 that one's lack of negligence or freedom from fault would ab-

solve him from responding in damages to the injured person. But this rule became permanently established in America in 1820, and since that date volumes have been written discussing the various defenses that were available in actions of this kind, and the courts have uniformly given the defendant the benefit of these defenses.

Great Britain enacted her compensation act in 1897, and the same was amended and broadened in its scope in 1900, 1906, and supplemented in 1912 by David Lloyd-George's insurance law against sickness, old age and out of work. In England these laws were ably championed by Lord Salisbury and Mr. Chamberlin, two of Great Britain's most eminent and profound statesmen.

About ten years ago a lively interest in the subject of workmen's compensation developed in various social uplift organizations and commissioners were appointed by legislatures to study the system and report. Being impressed with the rigidity of the rules that obtained with respect to the liability of employers and being convinced that they were a gross injustice to the employees to whom they applied, and eventually realizing that they were entirely inadequate as a protection to the injured workmen, the scheme of workmen's compensation was suggested. The old methods of manufacture and many of the old industries had become entirely obsolete and were superseded by rapid, complicated and dangerous methods growing out of improvements directed toward the cheapening of products, and the former relation of employer and employee,

under which the employee generally worked under the observation of his employer, had ceased to exist.

But notwithstanding the radical changes that had gradually grown out of the character of employment and the hazards incident thereto, there had been practically no softening of the rule designed for the protection of employees, and in the light of this general information, which was a matter of common knowledge, and pursuant to the example of all of the civilized nations of Europe that had established just, and even benevolent, workmen's compensation laws, the theory found practically universal favor in America, and acting upon this information and being influenced by the examples of the leading countries of Europe, and as a result of the pressure of public sentiment, New York took the lead in adopting a law that had for its purpose the payment of compensation to injured employees without respect to the negligence of the employer or the fault of the employee, except when the employee was injured by reason of his own wilful act or his wilful failure to use a guard or other device that was furnished for his protection. This idea was abhorrent to the staid and conservative judges who had always acted upon the rule that where there had been no wrong done there could be no redress, and in the case of *Ives v. South Buffalo R. Co.*, 201 N. Y. 271, 94 N. E. 431, the New York Court of Appeals, in an extended and even brilliant and eloquent opinion, held the law to be invalid on the ground that it constituted the taking of property without due process of law. This opinion, at the time it was delivered, appeared to be well-nigh con-



clusive, and caused the advocates of this law a great deal of apprehension and consternation. However, upon reflection, the fallacy of the reasoning of the court became plainly discernible, and other courts, in construing laws of a similar nature passed by their respective legislatures, refused to adhere to the reasoning announced in the New York case. Indeed, the New York Court of Appeals, in interpreting the subsequent act of the New York Legislature, which was very similar in all substantial parts, found a means of holding it constitutional without doing violence to the reasoning of the other opinion. This second act was passed after the Constitution of New York was amended so as to overcome the objections suggested by the opinion of the court in construing the first act. See *Jensen v. Southern Pacific Company*, 215 N. Y. 514.

In the wake of the New York act followed many legislatures adopting what is known as the workmen's compensation law, or industrial insurance, which are designed for the accomplishment of the same thing, until now nearly forty States in the Union are operating under this kind of a law; and now that we observe the beneficent effect of this plan we wonder that America was so tardy in giving the workingmen and their dependents the benefit of this character of legislation. After all, the burden, if indeed it be a burden, falls upon the ultimate consumer. The manufactured products are sold at a sufficiently increased price to defray all of the expenses of the operation of this law, and the benefits attributable thereto are inestimable.

In 1909 Montana adopted an act. Its constitutionality was at once challenged on the ground that

it was not within the police power of the State and that it reserved an action for the employee and did not relieve the master from liability. The Supreme Court of Montana, in *Cunningham v. Northwestern Improvement Company*, 44 Mont. 180, held the act was within the police power of the State, following the case of *Noble State Bank v. Haskell*, 219 U. S. 104, which decision upheld the Bank Guaranty Law of Oklahoma, but that it was unconstitutional on account of the provisions reserving to the employee the right of action at common law if he so elected.

There are points of dissimilarity in the various acts, the difference, however, being largely a matter of detail, the substance of the various laws being practically the same. They might be divided into three classes: first, compulsory state insurance; second, compulsory acts insured with privately owned companies or competitive state funds; and third, elective compensation acts insured in either insurance companies or competitive state funds. In the first class of compulsory state insurance the State of Washington was the pioneer, quickly followed by Ohio. Of the second class, compulsory compensation, Oklahoma is one, with no state fund. New York and California are compulsory, but they also maintain competitive state funds which write a portion of the business.

There are two systems of administering the law—one by a state board usually called "State Industrial Commission" or "Board," and one "State Industrial Accident Commission" or "Board." The usual number constituting a board is three, but Massachusetts has seven, New York and Illinois

have five, and Nevada and Montana have an *ex officio* board of state officers.

The theory of the law is that inasmuch as the industry bears the loss sustained by the destruction of machinery, the wearing out of equipment, and the depreciation of the plant, as well as the lessening of its assets generally, that it should likewise suffer, in a measure, the damages occasioned by the mangling of human beings and the diminution of their employees' ability to earn money. For, indeed, the industry can recoup its loss by augmenting the price of its finished product and thereby casting the consequences upon the public who purchase the products; in fact, it seems obvious now that any other plan would be barbaric. In addition to that, the economic question enters into consideration for the reason that it is to the interest of society to prevent the destitution of its citizens and to provide opportunities of securing a livelihood for themselves and those dependent upon them; and it is the duty of the State to furnish means of sustenance and support to those of its citizens who cannot furnish those things for themselves. Moreover, the object of the law is to conserve the normal capacity of the average worker of all the classes of workingmen and to maintain the same to the highest possible efficiency.

In 1915 the people of the State of Oklahoma, in conformity to their reputation of keeping abreast with the times, passed the present Workmen's Compensation Law. This law was enacted by our Legislature after the matter had been thoroughly and earnestly considered and after laws of a like char-

acter adopted by other legislatures had been fully examined. It cannot be said, however, that this law received fervid support from those members of the bar who make their living by prosecuting damage suits for personal injuries; nor were those whose practice consists largely of defending this kind of lawsuit conspicuous for the intensity in molding public sentiment in favor of the bill and in endeavoring to influence legislators to support the passage of the act.

Our law provides for the compulsory system of compensation with insurance or proof of financial responsibility, supervised by the State Industrial Commission. The employment covered comprises everything except those engaged in agricultural, horticultural or retail mercantile pursuits, or dairy or stock-raising, or in operating any steam railroad engaged in interstate commerce, or employers having less than three employees. It covers every disability resulting from an accidental personal injury sustained by the employee arising out of and in the course of his employment. It does not cover fatal injuries, though, our act being distinctly unique because of the peculiar provision of the Constitution prohibiting the limitation of the amount recoverable for death. It also provides that the employer shall promptly provide for injured employees such medical, surgical, or other attendance or treatment, nurse and hospital service, medicines, crutches, and apparatus as may be necessary during the first fifteen days after the injury, and provides further that the injured employee shall not receive any compensation the first fourteen days after the injury. It allows

the injured employee fifty per cent of average weekly wages, not exceeding, however, in any event, \$10.00 per week nor less than \$6.00 per week, the maximum period for total permanent disability being five hundred weeks, or not more than \$5,000.00. It provides also the amount that shall be received for the loss of a limb, and fixes the loss of both legs, the loss of both arms, the loss of both eyes, or one arm and one leg, or one eye, as constituting total permanent disability.

Good laws must finally rest upon sound economic principles, and the success of a law depends largely, if not entirely, upon the fact that the law is supported by the preponderated will of the people, and whether the will of the people continues to support the law depends upon the accuracy with which the law corrects the economic inequality which the people desire to have cured.

From the best information I have been able to obtain I am constrained to believe that the Workmen's Compensation Law of the State of Oklahoma is the wisest and best in force in America, and I am convinced that it is generally satisfactory and that the very best results that could have been reasonably anticipated have been obtained. This result has been achieved, though, largely by reason of the fact that the law has been so satisfactory to the employer and the employee alike, because the employers and their insurance carriers have co-operated with so much alacrity with the Industrial Commission and the employees in carrying out the spirit of the law. Another thing that has aided very materially in making the law a success is the fact that Oklahoma

has without doubt been blessed with an Industrial Commission composed of men of such eminent ability, such splendid character, and such painstaking and diligent habits. Recently I had occasion to appear before the State Industrial Commission in company with the general attorney of one of the insurance companies that I represented. He visited with the members of the commission, becoming as well acquainted with them as he could in a short time. He afterwards said to me that he was personally acquainted with the commissioners, or those who have control of administering the workmen's compensation law, in twenty-four States, and that in general appearance and in point of ability and character of members of the Industrial Commission of the State of Oklahoma are, in his opinion, superior to any others whom he met. I do not say this in order to flatter the members of our commission, but I make the statement in simple and fair commendation of their attainments and efforts and as a just compliment to our distinguished Governor who appointed them to their position.

This law, like the laws of practically all the States in the Union, has been attacked on the ground that it is subversive to the Constitution. The suit involving the legality of this act was presented by some of the most eminent legal talent of our State and defended by lawyers of equal ability. Every conceivable reason as to why it was not in conformity to the Constitution was urged and ably argued, and the reasons advanced were opposed in the same capable way. Our Supreme Court, in the case of *Adams v. Iten Biscuit Company*, 162 Pac.

938, effectually disposes of all of the objections to the law and holds it to be constitutional. Among other objections it was urged that it deprived an injured employee of property without due process of law, that it deprived an injured employee of the equal protection of the law, and that it was unconstitutional because violative of the Seventh Amendment of the United States, which the objectors contended guaranteed a trial by jury to a litigant in a civil action. This is a very illuminating and instructive opinion in which the court reviews and analyzes all of the leading authorities on the questions arising.

The Supreme Court of Oklahoma, in discussing the question of the act being violative of Section 6, Article II, of the Constitution, which provides "the courts of justice of the State shall be open to every person, and speedy and certain remedy afforded, for every wrong and for every injury to person, etc," held that this provision was addressed to the judiciary and not to the legislature; that said provision means that the courts are open for such wrongs as are recognized by law. The court also held that no person has a vested property interest in the common law and shall not be heard to complain if the change is made before his right accrues.

Since the Oklahoma decision the Supreme Court of the United States has decided three cases that settled the question of the act being repugnant to the Federal Constitution. See *Mountain Lumber Company v. State of Washington*, 243 U. S. 219. In this opinion the court held that that part of the Constitution which guarantees to each State a republi-

can form of government is a political question, and not judicial, which is committed to Congress and not to court; that the act does not violate the right of trial by jury; that the act is not inconsistent with the Fourteenth Amendment so long as it is reasonable and fair and does not constitute an extravagant or arbitrary abuse of power. See also *Hawkins v. Bleakly*, 243 U. S. 210, and *New York Central R. R. Co. v. White*, 230 U. S. 188, the latter opinion construing and holding constitutional the second New York act. Fortunately, the Supreme Court of Oklahoma holds in that opinion that the act does not entirely emasculate the common law with respect to employees maintaining actions against their employers for damages caused by personal injuries, but holds that they still have a right to prosecute actions for wilful or intentional injuries inflicted by the employer. It has been held in other cases that a wilful injury consists of the failure of the employer to observe the duty imposed by statute properly to guard machinery and do certain other things that would tend to the making of machinery reasonably safe for those working in and around it. For statutes governing this question see Sections 3746 and 3776. See also the case of *Bartlesville Zinc Company v. James*, 166 Pac. 1054.

The efficiency of this law doubtless will be improved by the next Legislature. It occurs to me that it would be proper to amend the act so as to increase the weekly compensation. It is, in its present form, inadequate and the inequality is manifest. That is due somewhat to the fact that since the act was adopted wages have increased. For instance,



many industrial workers receive from \$8.00 to \$12.00 per day, notably carpenters, plumbers, oil field employees, and others; yet, if one of these men should be injured the most that he could receive would be \$10.00 per week. This plainly is entirely insufficient. Then, too, the period of medical attention and hospital accommodations should be extended. As it is now, no matter how seriously one may be injured nor how long he may linger, neither the employer nor the insurance carrier is required to furnish him medical attention or accommodations longer than fifteen days. To extend this period could not be an injustice to anyone, because the better the accommodations and attention received by the employee the sooner will he be restored to health, and hence the shorter will be the period in which he will be compensated. This will be a benefit to the insurance carrier, the employer, and the injured employee. Many other improvements probably could be made in the act, but they will work themselves out as the experience of those interested increases.

The adoption of legislation of this character has been approached with great caution and diffidence and the theory has found able and influential support after the subject has been thoroughly investigated and fully discussed; and even after the theory had been fully evolved and the necessary legislation had been enacted the courts were loath to give it sanction, fearing that it circumvented some well-established rights of trial by jury, took away property without due process of law, and in some instances deprived injured employees of the right of

redress where they had a patent wrong. However, after examining the questions from an altruistic standpoint, considering them from a standpoint of economics, and testing the flexibility of the Constitution of the United States and of the respective States, the courts have demonstrated their resourcefulness to write opinions that seem logical, free from conflict with the fundamental law of the land, and satisfactory to the public in general.

## THE UNITED STATES INCOME TAX LAWS AND THE EXCESS PROFITS TAX LAW.

D. A. McDUGAL,  
Sapulpa, Okla.

I have been requested by the President to address you today upon the subjects of the U. S. Income Tax Laws and the Excess Profits Tax Law. You will realize the importance of these subjects and the universal interest of the public in them from the fact that the Government is expecting between seven and eight million tax reports to be made under the operation of these laws for the year 1917. Heretofore there has been no excess profits tax law, and owing to the fact that the exemptions under the former income tax law were larger than at present, there were only about four hundred thousand reports made for the year 1916. It is expected that the number of reports for the year 1917 will be almost twenty times as great as for the year 1916, thus bringing within the operation of these laws a large majority of all persons engaged in gainful occupations and including people of all businesses, trades and professions. The lawyer, the doctor, the merchant, the farmer, the mechanic, the bookkeeper, the clerk, the stenographer, are all affected by this law and are interested in knowing something of its provisions.

It is not my purpose at this time to criticise these laws nor to point out the inequalities or the hardships that may result from their operation,

but I shall confine myself to an effort to assist the public in ascertaining what the requirements of the law are, how much taxes they are to pay, what exemptions they are entitled to and how to prepare and file their reports.

I will first call your attention to the income tax laws. We have in operation at the present time two United States income tax laws, imposing a total of four separate and distinct income taxes according to the amount of the net income of the individual. These income tax laws apply to corporations and individuals, but do not apply to partnerships.

The original income tax law (1913-1916) remains in force, and a new income tax law (1917) has been added. The two laws impose the four following taxes: The law of 1913-1916, as amended, imposes a normal tax of two per cent on incomes under twenty thousand dollars and allows an exemption of three thousand dollars for single persons and four thousand dollars for heads of families, with a further exemption of two hundred dollars for each dependent child under the age of eighteen years.

This law also imposes an additional tax or sur-tax on incomes of over twenty thousand dollars of from one to thirteen per cent, according to a graduated scale set out in the law, there being no personal exemption from this sur-tax.

The law of 1917 imposes on individuals, in addition to the taxes imposed by the laws of 1913 and 1916, a normal tax of two per cent, allowing

an exemption of one thousand dollars for single persons and two thousand dollars for heads of families, with an additional exemption of two hundred dollars for each dependent child under eighteen years of age.

This law also imposes a sur-tax on incomes of over five thousand dollars, the rates of said sur-tax ranging from one per cent to fifty per cent, according to the amount of the income, and no personal exemption is allowed in computing these sur-taxes.

Many questions have arisen and will arise in the enforcement of these laws, some of which have been construed by the Treasury Department and others that have not been construed, either by the Treasury Department or by the courts.

The first question to consider is, what is income? What is properly denominated income in the meaning and intent of the income tax laws? The Act of September 8th, 1916, defines income as follows:

Section II. "That subject only to such exemptions and deductions as are hereinafter allowed, the net income of a taxable person shall include gains, profits and income derived from salary, wages or compensation for personal services of whatever kind and in whatever form paid, or from professions, vocations, business, trade, commerce or sales or dealings in property, whether real or personal, growing out of the ownership or use of or interest in real or personal property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit or gains or profits, and income derived from any source whatever."

This is a very broad and comprehensive definition and includes all gains or profits derived from any imaginable source. There are, however, various exemptions allowed under the law. For instance, any officer or employee of the state, county, city or any political subdivision of the state, including teachers in the public schools, and any and all persons receiving a salary or compensation for services from the state or any political subdivisions thereof. This exemption, however, to officers or employees of the state, county or municipality could not be claimed by a contractor who is erecting a public building or building public roads or bridges or engaged in any kind of public work as a contractor.

Of course, the officers and employees of the state or its political subdivisions are required to pay income tax just as other individuals on income that they receive from sources other than the salary or compensation for their services as public officials or employees.

#### PARTNERSHIP.

As heretofore stated, partnerships as such are not subject to the income tax laws, nor are they required to file any income tax reports, but the individuals composing the partnership must include in their reports the amount of profits received by each from the partnership business. The income tax laws apply both to corporations and individuals, but in a different way.

#### CORPORATIONS.

Corporations are subject, under the operation of the act of 1913-1916, to a normal tax of two per

cent, and under the act of 1917 they are subject to a normal tax of four per cent, making a total of six per cent, but they are not subject to any additional tax or sur-tax such as is imposed upon individuals. The normal tax assessed against corporations is computed on the net income of the corporation after making proper allowance for expenses of operation, losses in business, depletion and depreciation, which subjects will be referred to later.

#### INDIVIDUALS.

Individuals are subject to the four income taxes heretofore enumerated, computed, of course, on the net income of the individual after making deduction for various items allowed by law and such personal exemption as the law provides.

To illustrate, we will say that Mr. Smith is the owner of various houses and vacant lots in the city, farm lands, oil lands, oil leases, stock in a bank, bonds of a private corporation, United States bonds, city and county bonds. In the course of the year 1917 he purchased a house and lot for five thousand dollars and sold it for six thousand dollars; he also sold in the year 1917 a farm for the sum of three thousand dollars which he had purchased before March 1st, 1913. He drilled various oil wells upon one lease at an expense of one hundred thousand dollars and sold therefrom ten thousand dollars' worth of oil; on another lease he spent ten thousand dollars in drilling a dry hole, which lease was abandoned, and the transaction resulted in a loss of five

thousand dollars. He rents out some of his farm lands and his houses in the city and lives in one house and operates one of his farms. In the operation of said farm during the year 1917 he purchased one thousand dollars' worth of hogs for the purpose of reselling them at a profit. Cholera killed all of the hogs he had purchased for sale and also killed one thousand dollars' worth of other hogs which had been raised by him and not purchased. He also had his barn destroyed by fire, together with five hundred dollars' worth of hay which he had purchased and five hundred dollars' worth of corn which he had raised on the place. Now, in making up his income tax report, Mr. Smith will be charged with all rents received from his houses and will be credited with the *ad valorem* tax paid upon said houses, but will not be credited with paving taxes, sewer taxes or taxes imposed for the building of sidewalks or any taxes levied for local benefits. He will be entitled to take credit for depreciation of the buildings to be estimated on the basis of actual depreciation for the year; or in lieu of this depreciation he may take credit for necessary repairs to the buildings, but not for permanent improvements made upon them. . He may take credit for premiums paid for fire and tornado insurance upon the buildings, except the building in which he resides, the insurance on the residence being considered a part of the living expenses and no deduction is allowed therefor.

As to the vacant town lots, although he receives no income from them, he is entitled to take



credit for the *ad valorem* taxes paid upon them.

One of Mr. Smith's farms lies in a drainage district where a drainage canal is dug, and he is required to pay two hundred dollars per year drainage tax. This cannot be deducted from his income in making up his income tax report, but he may deduct the *ad valorem* tax, and will be charged with all rents received from said farm, whether the same be paid in cash or in part of the crop.

Another farm he owns is leased by him under an improvement lease, the tenant agreeing to clear and put in cultivation a certain amount of land at the estimated expense of five hundred dollars and to erect a building and certain fences upon said land at an expense of three hundred dollars. The value of these improvements under the improvement lease will be charged up to Mr. Smith as income, and he must report the same and pay the income tax thereon the same as if said eight hundred dollars had been paid to him in cash. He will not be allowed credit for the value of these improvements as money paid out for the reason that they are permanent improvements and enhance the value of the farm and are considered as an additional investment of capital.

From his oil lands Mr. Smith collects a certain amount of royalty, all of which must be reported and included in making up the gross income. He, however, will be entitled to a deduction on account of depletion and depreciation. In regard to the oil lease operated by Mr. Smith, he will, of course, be charged with all oil extracted

and sold from the one producing lease and allowed a deduction for depreciation of the physical properties. On the other lease he spent ten thousand dollars in drilling a dry hole. He then removed and sold the casing, derrick and all equipment on the lease for the sum of five thousand dollars and abandoned operations thereon. In his income tax report he will be allowed to take a credit of five thousand dollars, the net loss suffered by him in said transaction.

The bank in which he owns ten thousand dollars' worth of stock pays its normal tax of six two income tax laws, and also pays a dividend of per cent as required under the operations of the ten per cent to its stockholders, Mr. Smith receiving one thousand dollars dividends upon his bank stock for the year 1917. He will not be required to pay the normal income taxes on the dividend received from this bank stock for the reason that the bank paid the normal taxes, but the one thousand dollars of dividends received by Mr. Smith from said bank stock will be subject to the additional or sur-taxes provided in both the income tax laws.

He will be required to report and pay income taxes on the interest received from the bonds owned by him in private corporations and interest received by him from any indebtedness due by individuals or corporations, but he will not be required to report or pay income taxes on any interest received by him from United States, state, county or municipal bonds, except the second issue of Liberty bonds. He can own as much as five

thousand dollars of this issue, and the interest received thereon will not be subject to either the normal tax or the sur-tax. If he owns more than that amount, the interest received on the additional amount, above five thousand dollars, will be exempt from the normal tax, but will be subject to the sur-tax.

In the transaction in which Mr. Smith purchased, in the year 1917, a house and lot at the price of five thousand dollars and sold it for six thousand dollars, making a profit of one thousand dollars on the deal, he must report this one thousand dollars profit as income and pay the income tax on it.

In the transaction where Mr. Smith sold the farm in 1917 at the price of three thousand dollars which he had purchased and owned before March 1st, 1913, he must take the value of said farm as of March 1st, 1913, the date when the income tax law went into effect; and the difference between the value on that date and the price realized from the sale of the farm will be the amount to be added to his gross income or the amount to be deducted, according to whether the transaction resulted in a profit or loss. If the farm was worth only two thousand dollars on March 1st, 1913, he would be required to report as income the one thousand dollars profit realized by him on the sale. If, however, the farm was worth four thousand dollars on March 1st, 1913, he would be allowed a deduction of one thousand dollars for the loss suffered in the transaction.

In regard to the farm which Mr. Smith operated during the year 1917, he will be charged up with all grain, cotton and other crops sold during the year 1917; all live stock sold during the year 1917; and in fact all income from every source derived from the farm, whether the same was sold for cash or bartered for goods at the store. He will not be charged up with any grain, cotton, live stock or other products grown on the farm during the year 1917 which has not been sold during the year, but if he has sold products or live stock from the farm during the year 1917 that were grown in the year 1916, he will report the proceeds of such sales in making up his 1917 tax report. He may have one thousand dollars' worth of cotton and a thousand bushels of corn grown in 1917 remaining on hand unsold at the end of the year, but he will not be required to report this in his 1917 report, but will be required to report it in the year 1918 if he sells it during that year, the purpose being to estimate the profit and report the income after the property has been sold, regardless of whether it was produced in the year it was sold or in a previous year.

He will be credited with all expenses incurred in the operation of the farm, including the amount paid for labor, feed and seed purchased, small tools and implements, cattle and live stock bought for the purpose of resale, but he will not be allowed credit for stock hogs or hogs not purchased for resale.

He will not be allowed credit for living expenses nor for money spent in the purchase of

cultivators, reapers, binders, mowers, tractors and machinery of a more or less permanent nature. He will be allowed credit for the expense of making necessary repairs on his farm machinery and for the expenses of operating a car which he uses exclusively in the business of operating the farm and running errands and hauling supplies. He will also be allowed a deduction for the depreciation in the value of said car caused by its use. He will not be allowed credit for the expense of operating a car which is used by the family as a pleasure car, nor will he be allowed any deduction for the depreciation in value of said car.

Mr. Smith will be allowed a deduction for the one thousand dollars' worth of hogs which he purchased for the purpose of resale and which died during the year 1917, taking credit for the amount that he paid for the hogs. He will not be allowed a credit for the one thousand dollars' worth of hogs which he raised on the farm and which died during the year, for the reason that he has already been allowed credit for the expense of raising said hogs and therefore cannot be allowed credit for them when they died.

He will be given credit for the five hundred dollars' worth of hay which he purchased and which was destroyed by fire, but will not be given credit for the five hundred dollars' worth of corn which he raised and which was destroyed. He will also be given credit for the value of the barn which was destroyed by fire if it was not insured, and if it was insured and he received one thousand dollars from the insurance company this will not

be charged up to him as income and he will not have to report the same or pay any income tax on the proceeds of the insurance policy.

Mr. Smith went to town to collect the insurance on his barn and was run over by an automobile and suffered a fracture of the arm. He had an accident insurance policy on which he collected one thousand dollars. He sued the owner of the automobile and recovered judgment for one thousand dollars. He must report the amount received, both from the accident insurance policy and from the judgment, as income, and pay an income tax on the same.

Mr. Smith's father sent him a birthday present of five thousand dollars. This is not income and will not be taken into consideration in making his income tax report.

Before the end of the year Mr. Smith's father died leaving him money and other property to the value of ten thousand dollars, and he was also the beneficiary of an insurance policy on the life of his father in the sum of ten thousand dollars. Neither the inheritance nor the proceeds of the life insurance policy are considered as income and he will not have to pay income tax on either.

Being an ex-soldier, Mr. Smith receives a pension from the United States government amounting to twenty-five dollars per month. This pension is subject to the income tax and must be included in his report.

During the year Mr. Smith donated the sum of one hundred dollars each to the Red Cross So-

ciety, the Y. M. C. A., the Orphan's Home, the Methodist Church and the Henry Kendall College. He will be allowed a deduction of the amount of each of said donations from his total income under a provision of the law which exempts from income tax all gifts to religious, charitable and educational institutions. Provided, however, that he will only be allowed deductions for gifts to religious, charitable and educational institutions to the extent of fifteen per cent. of his taxable income.

During the year Mr. Smith paid \$500.00 interest on various items of indebtedness owing by him and he is entitled to a deduction for this five hundred dollars of interest paid.

In addition to Mr. Smith's income his wife owns certain property and receives an income independent of her husband. In making up the income tax report, Mr. and Mrs. Smith may include the income of both in one report and deduct personal exemption for one person or they may make separate reports and deduct one-half the personal exemption from each report; or if they have been divorced or are separated and living apart, the one who has the custody and control of the children may take the full exemption allowed the head of the family, and the other will take the exemption allowed to a single person.

#### MINES.

In case of mines the owner is permitted to make a reasonable deduction on account of depre-

ciation of physical properties and depletion of the mineral deposit.

Depreciation comprehends loss due to exhaustion, wear and tear of physical property other than natural deposits, and the annual allowance contemplated by law on this account will be ascertained by spreading ratably the cost of the property over the probable number of years constituting its life. Depletion is ascertained as follows: Take the value of the minerals in place as of March 1st, 1913, if acquired before that date; and the actual amount paid for the property, if acquired after that date; then estimate the number of tons of mineral on the property. The total value divided by the number of tons in the mine will determine the per ton value, which multiplied by the number of tons mined and sold during the year will determine the sum which will constitute an allowable deduction from the gross income on account of depletion. This, however, does not apply to the lessee, but to the owner in fee of mines and mining properties.

The lessee is not allowed anything for depletion, unless in addition to royalties he paid a bonus for the right to explore, develop and operate the mine. In which case the amount he paid may be ratably distributed over the estimated life of the lease and the lessee may deduct annually, as a rental payment, a proportional part of the bonus so paid until such amount has been extinguished.

The above applies to minerals *other* than oil and gas.



## OIL AND GAS.

Individuals and corporations owning and operating gas or oil producing properties may make deductions from gross income on account of depletion as follows:

In the case of oil and gas wells, a reasonable allowance for actual reduction in flow and production, to be ascertained not by the flush flow but by the settled production or regular flow, provided that when the allowance authorized shall equal the capital originally invested, or in case of purchase made prior to March 1st, 1913, the fair market value as of that date, no further allowance shall be made.

For the purpose of this deduction, note may be taken of the reduction in flow and production of such individual wells as were producing oil or gas during or at some time within the year, of groups of wells, or of all wells in the field or territory embraced in the same ownership.

The depletion deduction in all cases, until the capital invested is extinguished, will be such a percentage of the unextinguished capital as the reduction in flow or production of one year is a percentage of the flow or production of the previous year.

As an illustration, suppose A owns an oil property in which the capital invested, either actual cost or fair market value, as the case may be, is \$100,000.00 and the production during the year is 10,000 barrels, and for the year immediately preceding it was 11,000 barrels. This would

indicate a reduction in production of 1,000 barrels, or a decline of 10 per cent. Applying this rate to the capital (\$100,000), the individual or corporation owning the property would be entitled to deduct from gross income as depletion for the year the sum of \$10,000, that is, 10 per cent. of the invested capital.

The provision of the law authorizing the depletion deduction, designed as it is to provide a means whereby the invested capital of an individual or corporation may not be subject to the income tax, does not apply to individuals or corporations who are operating oil or gas properties under lease. By capital invested, as herein used, is meant the fair market value of the property as of March 1st, 1913, if acquired prior to that date, or its actual cost if acquired after that date, and it relates solely to the owner in fee of the property.

Lessee will, however, be permitted to deduct from gross income each year a reasonable allowance for depreciation, which depreciation applies to the physical property, including, rigs, tools, machinery of all kinds, pipes, casing and all other equipment necessary to the operation of the leases. If a lessee has paid a bonus for his lease, the amount of such bonus may be ratably distributed over the life of the lease and the lessee may deduct annually, as a rental payment, an aliquot part of the amount of the bonus so paid until such amount has been extinguished.

The incidental expenses of drilling wells, such as wages, fuel, repairs, etc., may at the option of

the owner be charged to property account, subject to depreciation, or be deducted from gross income as part of the operating expenses. If charged to property account, the same may be taken into account in determining a reasonable allowance for depreciation during each year until the property account has been extinguished through annual depreciation deduction; after which no further deductions on this account will be permitted.

Of course, all necessary expenses paid in operating the lease and pumping wells after the same have been drilled will be deducted as operating expense.

The cost of dry or non-productive wells may be deducted from gross income as a loss.

#### WAR EXCESS PROFITS TAX.

This act imposes upon individuals, partnerships and corporations, in addition to all other taxes, a tax called the "excess profits tax," which is levied, assessed, collected and paid for each taxable year upon the income of every corporation, partnership or individual equal to the following percentages of the net income.

Twenty per cent. of the amount of the net income in excess of the deduction allowed by law and not in excess of 15 per cent. of the invested capital for the taxable year.

Twenty-five per cent. of the net income in excess of 15 per cent. and not in excess of 20 per cent. of such capital.

Thirty-five per cent. of the amount of the net income in excess of 20 per cent. and not in excess of 25 per cent. of such capital.

Forty-five per cent. of the amount of the net income in excess of 25 per cent. and not in excess of 33 per cent. of such capital; and

Sixty per cent. of the amount of the net income in excess of 33 per cent. of such capital.

Officers and employees of the United States or any state, territory or the District of Columbia, or any local subdivision thereof, are not required to pay excess profits tax on the salary or compensation received by them as such officers or employees.

Corporations, foreign partnerships and non-resident alien individuals are entitled to an exemption of \$3,000.00, while domestic partnerships and citizens or residents of the United States are allowed an exemption of \$6,000.00.

In addition to the \$3,000.00 and \$6,000.00 exemption above referred to, each individual, partnership and corporation is entitled to an exemption of a per cent. of the capital invested equal to the average net per cent. of profit of the business during the pre-war period, not however, less than seven per cent. nor more than nine per cent. If the average net income during the pre-war period (by pre-war period is meant the years 1911, 1912 and 1913) was less than seven per cent., a deduction of seven per cent. will be allowed. If the average net income during the pre-war period was more than nine per cent., nine per

cent. will be allowed. If the average net income during the pre-war period was between seven and nine per cent., the actual per cent. during the pre-war period will be allowed as a deduction for the tax year.

Where no capital is invested in the business, or a nominal capital, a flat rate of eight per cent. must be paid by the corporation, partnership or individual after allowing the exemption of \$3,000.00 or \$6,000.00.

The income taxpayer is entitled to a credit against his net income of the amount of any excess profits tax assessed against him for the same calendar year.

A partnership may pay a reasonable salary to the individual members of the firm for services to the firm and such salaries will be counted as part of the expense of the business and a deduction for the amount of such salaries will be allowed in computing the excess profits to be paid by the partnership. If, however, such salaries are allowed, each partner receiving such salary, who is subject to the excess profits tax, will be required to report the salary received from his firm and pay excess profits tax thereon at the rate of eight per cent.

A partner in his individual capacity will not be subject to excess profits tax on his share of the profits of the partnership. He will, however, as stated above, be subject to the excess profits tax, if any, at the rate of eight per cent. with respect to any salary or compensation from

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the partnership for personal services (including any amount allowed to the partnership as a deduction).

### RETURNS, WHEN AND WHERE FILED.

All income tax reports and excess profits tax reports due by citizens of Oklahoma, must be filed with the Collector of Internal Revenue at Oklahoma City by March 1st, and the taxes must be paid by June 15th.

Many questions will arise in filing returns and collecting taxes under these laws that have not been touched upon in this paper, but space forbids a more extended discussion. It is hoped that this paper will furnish the information necessary in the preparation of a large majority of the returns to be made under these laws and that the same may be of some benefit to the many persons who are affected by them; especially the farmers and many others who have heretofore had no experience with income tax laws.

## INCOME TAX.

### RATE TABLE.

Corporations pay a normal tax of two per cent. under the 1913-16 law and four per cent. under the 1917 law, or a total of six per cent., and do not pay any additional or sur-taxes under either law.

## ADDITIONAL INCOME TAX.

## INDIVIDUALS.

Amount of Net Income.	Act 1916	Act 1917	Total
Over \$5,000, not over \$7,500-----	0%	1%	1%
Over 7,500, not over \$10,000-----	0	2	2
Over \$10,000, not over \$12,500-----	0	3	3
Over \$12,500, not over \$15,000-----	0	4	4
Over \$15,000, not over \$20,000-----	0	5	5
Over \$20,000, not over \$40,000-----	1	7	8
Over \$40,000, not over \$60,000-----	2	10	12
Over \$60,000, not over \$80,000-----	3	14	17
Over \$80,000, not over \$100,000-----	4	18	22
Over \$100,000, not over \$150,000-----	5	22	27
Over \$150,000, not over \$200,000-----	6	25	31
Over \$200,000, not over \$250,000-----	7	30	37
Over \$250,000, not over \$300,000-----	8	34	42
Over \$300,000, not over \$500,000-----	9	37	46
Over \$500,000, not over \$750,000-----	10	40	50
Over \$750,000, not over \$1,000,000---	10	45	55
Over \$1,000,000, not over \$1,500,000--	11	50	61
Over \$1,500,000, not over \$2,000,000--	12	50	62
Over \$2,000,000 -----	13	50	63
The above are in addition to the normal tax of 2% imposed under each law, making a total of-----	15	52	67

In computing the normal taxes, however, you will deduct the personal exemption provided in each law.

In arriving at the excess profits tax the computation is not made on the amount of income received, but on the percentage of profit made in the year 1917 in excess of the percentage of profit made on the invested capital during the pre-war period. That is, you will be allowed to deduct from your net income the same percentage of

profit on your invested capital in 1917 that you made during the pre-war period (not, however, less than seven per cent. nor more than nine per cent., as heretofore explained). Then you will deduct the exemption of \$3,000 or \$6,000, and pay a tax of 20 per cent. on all income above said deductions up to 15 per cent. of the net profits of the business.

On the net profits above 15 per cent and not in excess of 20 per cent. you will pay a tax of 25 per cent.

On the net profits above 20 per cent. and not exceeding 25 per cent. you will pay a tax of 35 per cent.

On the net income in excess of 25 per cent. and not in excess of 33 per cent. of the invested capital, you will pay a tax of 45 per cent.

On the net income in excess of 33 per cent. of the invested capital you will pay a tax of 60 per cent.



## REPORT OF THE SECRETARY.

OKLAHOMA CITY, OKLA., Dec. 28, 1917.

HON. FRANK M. BAILEY, *President,*

Oklahoma State Bar Association.

DEAR SIR: I beg leave to submit herewith my annual report as Secretary of the Oklahoma State Bar Association for the year 1917.

Dec. 28, 1917.                      RECEIPTS.

Total membership dues collected by  
W. A. Lybrand, Secretary, and turned  
over to C. K. Templeton, Treasurer---\$1,565.50

Oklahoma City, Okla., Dec. 29, 1917.

*Mr. President and Gentlemen of the Oklahoma State  
Bar Association:*

We, the committee appointed to audit the report, books and records of the Secretary and Treasurer of the Association, beg leave to report that we have this day made such audit and find the same correct as shown by said reports and from records of said Association.

E. E. GRINSTEAD,  
GUY GREEN,  
*Committee.*

## REPORT OF THE TREASURER.

PAWHUSKA, OKLA., *Dec. 28th, 1917.*

HON. FRANK M. BAILEY, *President,*

Oklahoma State Bar Association.

DEAR SIR: I beg leave to submit herewith my annual report as Treasurer of the Oklahoma State Bar Association for the year 1917.

Dec. 28. Balance on hand  
from year 1916--- \$2,050.36

### RECEIPTS.

1917.

Total membership  
dues, etc., collected  
by Mr. W. A. Ly-  
brand, Secretary-- \$1,565.50

Total receipts, in-  
cluding balance on  
hand ----- \$3,615.86

### DISBURSEMENTS.

1917.

Jan. 10.	C. O. Bunn, on ac- count statement for ticket not used----	1.50
Jan. 10.	W. A. Lybrand, on account statement for stamps -----	17.20
Jan. 10.	W. A. Lybrand, on account statement for ticket for John H. Atwood -----	11.90

Jan. 10.	Boasen Brothers, on account state- ment -----	140.00
Jan. 10.	Harlow Publishing Co., on account statement -----	8.75
Jan. 10.	Oklahoma Multi- graphing Co., on account statement.	3.50
Jan. 10.	Stiles, on account statement, flowers.	16.50
Jan. 10.	Harry Steinberg, on account state- ment, music -----	11.00
Jan. 10.	Skirvin Hotel, on account statement.	187.00
Jan. 10.	Skirvin Hotel, on account statement.	14.05
Feb. 3.	The Oklahoma Law Brief Co., on ac- count statement --	43.88
Mar. 7.	Oklahoma Law Brief Co., on ac- count statement --	4.37
Mar. 7.	W. A. Lybrand, on account statement, stamps and phone bill -----	15.10
Mar. 7.	Mr. Threlglild, on account statement, reporting conven- tion -----	50.00
Mar. 7.	Oklahoma Multi- graphing Co., on	

		account statement--	2.45
Apr.	27.	Claire L. Webb, on account statement, clerical work -----	20.00
Apr.	27.	Mabel Jeffress, on account statement, clerical work -----	10.00
Jun.	8.	Watton Studio, on account statement--	1.00
Jul.	23.	W. A. Lybrand, on account statement, stamps and phone--	31.96
Aug.	2.	The Publishers Press, on account statement -----	388.90
Sept.	28.	The Harlow Pub- lishing Co., on ac- count statement --	24.00
Nov.	13.	Asp, Snyder, Owen & Lybrand, on ac- count statement, stamps and phone--	27.50
Nov.	29.	The Harlow Pub- lishing Co., on ac- count statement --	6.75
Dec.	6.	Mabel Jeffress, on account statement, clerical work, -----	50.00
Dec.	6.	Oklahoma Multi- graphing Co., on account statement--	6.25
Dec.	20.	Asp, Snyder, Owen & Lybrand, on ac- count statement,	

## TREASURER'S REPORT

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	stamps and phone_	24.00
Dec. 28.	W. A. Lybrand, salary 1917, as secretary -----	300.00
		<hr/>
	Total disbursements -----	\$1,417.56
		<hr/>
	Balance on hand -----	\$2,198.30

Attached hereto please find approved and receipted vouchers for all items of disbursements as per above statement.

All of which is respectfully submitted.

C. K. TEMPLETON,  
*Treasurer.*

## REPORT OF COMMITTEE ON JURISPRUDENCE AND LAW REFORM.

*Mr. President and Gentlemen of the Oklahoma State Bar Association:*

Embodied in the annual reports of this Association are to be found many valuable suggestions and recommendations, made by other Committees on Jurisprudence and Law Reform. These several reports, made by distinguished members of this Association, contain a wealth of practical suggestion and recommendation which has not been translated into operation or effect.

The failure to obtain practical results from the labors of other committees is not urged as an excuse or justification for failure to submit a detailed report at this time; this fact, however, supplemented by changed and somewhat abnormal conditions, seems to justify the conclusion to omit the customary paper.

Since the last meeting of this Association, our country has engaged in war with foreign enemies; this fact has made necessary many large undertakings and many activities of far-reaching importance. Because of these activities, the demands that have been and are being made upon the lawyers are new, varied and onerous; these demands also call for a high order of patriotism as well as for efficiency and sacrifice, and they have usually been met cheerfully, faithfully and patriotically.

Because of changed conditions, because of new and important demands made upon us, because of

our new vision which prompts us to sacrifice and service in the cause of humanity, we have at this time but little enthusiasm for the dry bones of the law.

These constitute the principal reasons for omitting a formal report. We believed we could better serve our country and the cause of humanity by giving our time and such talents as we possess to the numerous so-called war activities than in turning aside to attempt a report with reference to some scientific aspect of the law. And we felt also that at this meeting you would prefer to consider the important duties now devolving upon lawyers by reason of the world crisis, than to a consideration of a formal report along the usual lines.

As lawyers, we have no license as prophets, and we do not surely know what the coming years have in store for the free peoples of the world. We have cause to believe, however, that Prussian Junkerism and its allies have sought to strike down free government and enslave free peoples everywhere; to turn back the hands upon the dial of time to that period when German barbarians crushed the civilization of that day and for a thousand years enshrouded the world in the gloom of the dark ages.

As a people, we are just beginning to realize that the burden is upon this Nation to furnish the substance and the man-power necessary to carry the war for humanity to a successful conclusion. Our allies are war-worn and weary, while we have been opulent and slothful. But this Nation is being born again; we are getting a new vision of duty, and awake to the necessities and the demands of the

hour, and we shall in the coming days put forth such efforts and achieve such results without hope of material conquest or reward as shall challenge the wonder and admiration of the whole world.

In this crisis, the members of this Association will take an important part. We will not be satisfied to let others do more or sacrifice more than we. Every man, woman and child in this great Nation must be aroused to the absolute necessity of efficient service and sacrifice until the war is won. The demand is particularly made upon us to proclaim these principles from the mountain tops, but at the same time ours must be a work of doing—of teaching by precept and example—rather than by mere lip-service.

As a class, during the past decade we have been favored in the way of material blessings. We are therefore in a position to sacrifice much of time, talents and substance for suffering humanity and for the liberty of all peoples who desire to be free throughout the coming years.

If we put business above the demands of country, if we refuse to hear the wail of anguish from suffering humanity because we are engrossed in mere money-getting, we come dangerously near to betraying those who made the supreme sacrifice in ages past that we might enjoy the blessings of liberty that we do today, dangerously near to a betrayal of humanity, God, home and native land for an hated "thirty pieces of silver."

Respectfully submitted,

E. E. GRINSTEAD, *Chairman.*

Unanimously adopted.



## COMMITTEE ON LAW REPORTING AND DIGESTS.

*To the Oklahoma State Bar Association:*

“Committee on Reporting and Digesting” was the old name, and it indicates that it was the manner of making reports and digests rather than the finished product that was the subject to be considered by the committee; but the committee soon found that the subject referred to it for consideration was not so much the manner of reporting the decisions as the number and bulk of the decisions themselves.

For many years past, when the subject of reports has been brought before the Association, members have made complaint that the number of reported cases was becoming intolerable, and they have urged that some remedy should be obtained. The subject was discussed year after year and many interesting suggestions were made by members of the Association and considered by the committee in its subsequent reports, and the reports contained much good advice to the reporters, the counsel and the judges.

As early as 1904 the committee suggested and respectfully insisted that the judges might do much to relieve the situation by refraining from long statements of fact and long discussions of legal questions that have been substantially settled in earlier cases; and also that there were many ways in which competent reporters could restrict the volume of the reports without depriving the profession of any case that was of real value to the Bar or to the development of the law. But it was evident that the

lawyers were not willing to entrust the selection to the competent reporter and that they wanted to see for themselves all the decisions that there were, and the fact remained that the opinions that were filed were reported unofficially, if not by the official reporter, and were purchased by the profession, and the number of volumes continued to increase. It was evident that nothing could be accomplished without the co-operation of the Bench and Bar of the various States.

Two years ago the standing committee suggested that a special committee be appointed, composed of a member from every State and Territory of the United States, to obtain information as to what improvements in the reports and digests were most desired by the Bar throughout the country, and how, by co-operation with the local Bench and Bar, they could best be accomplished. The resolutions under which this special committee was appointed were as follows:

1. "That the increasing volume of reported cases is a burden for which some relief must be found both in the selection of the opinions that are reported and in greater brevity in the opinions themselves."
2. "That it is desirable that there be substantial uniformity of plans and classification in digests of the statutes of the various States."

Letters were sent to every member of the committee asking for information and suggestions on each of these questions, and the substance of the replies was published in the report made by the special committee at last year's meeting of the Asso-

ciation. The committee's report did not attempt to recommend any particular system, but emphasized the beneficial results that would flow from uniformity of digests. The committee directed its efforts especially to the subject of preventing an undue increase in the volume of the reported decisions. The report made an analysis of the information and suggestions which the committee had received, and said that the consensus of opinion was that the plan of selecting cases for publication was not generally favored and would not be effective if adopted, and the committee was practically agreed that all opinions of the courts of last report should be published and no others, except probably those of courts of State-wide jurisdiction, as for example, those of the Supreme Court of New York and the Supreme Court and the Court of Chancery of New Jersey.

It appeared from the answers given by the individual members of the committee and from the report of the committee itself that the consensus of opinion was that in view of the burden cast upon the profession by the great volume of reported cases, the judges in writing their opinions should not quote long passages from reported decisions, nor give long lists of authorities, should state the facts as concisely as possible and should make their opinions no longer than is necessary for the statement of the facts, the questions to be decided, and the authorities and reasons upon which the conclusions were reached. The report concluded with an earnest appeal to the Association for continued and unceasing effort to accomplish something definite along the lines indicated. Suggestions in detail may be found on pp.

645-649 of the Journal for 1916; and also in the report of the standing committee in 1904, p. 450, and in 1905, p. 462.

The standing committee has taken up the work and brings the matter again before the members of the Association. We agree that uniformity in classification and arrangement in digests is important; but we think it best to confine our attention this year to the one subject of limiting the volumes of reports and to one of the means of promoting that object.

We cannot prevent the publication of opinions that have been filed, but we can at least ask the judges to bear in mind the fact that their opinions will be published throughout the country, and that it is a matter of concern to the Bar that they should not be unnecessarily long. Investigation has shown that, taking the reports throughout the country, the average length of the opinions has increased within the last 20 years nearly 30 per cent. We may suggest (quoting Prof. Wigmore\*), "that the judicial opinions should not give the impression of being discoveries by the judges—discoveries, that is, of what they never knew before," nor exhibit "the mental lucubrations experienced in making this discovery," but rather (to quote Justice Swayze of New Jersey†) that the best judicial opinions "read as if the judge knew the existing state of the decisions and assumed that every one else did and that it was his business to show the necessary develop-

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\*Wigmore on the Law of Evidence, Vol. III, p. VII.

†56 New Jersey Law Journal, p. 167. Report of American Bar Association, 1904, p. 529.

ment from established principles and their application to the particular case."

The subject of the increase in the volume of the reports was brought to the attention of the judges attending the meeting of the Judicial Section of the American Bar Association in August last by Mr. John W. Davis, Solicitor General. The title of his address was "The Case for the Case Lawyer." He spoke of the difficulties of the lawyer under a system in which the law is to be sought and found in the decided cases in a country made up of many jurisdictions and of the futility of many of the remedies that had been suggested; he criticised the Bar for relying too much upon the citation of many cases and the judges for encouraging them to do so. He urged that the whole system of customary law was in danger of being compelled to give way to the code, or to 48 separate codes, because of the multitude of the decided cases that are to be consulted, and he suggested that there was a remedy in the hands of the judges in refraining from citing a multitude of cases when the principles on which they rely are well established; and also in avoiding long and discursive opinions which not only burden the profession, but also confuse the law.

Your committee propose at this meeting that the Association should take measures to bring this subject before the judges of the higher courts of the whole country in as impressive a manner as possible. As a part of our report we submit a memorial which we suggest should be presented publicly and with all due solemnity to the various courts referred to

in the subjoined resolution, the adoption of which we recommend to the Association:

“**RESOLVED**, (1) That the appended memorial be presented to the court of last resort and appellate courts of State-wide jurisdiction in each State, to the United States Circuit Court of Appeal and to the United States District Courts; that the presentation be made in open court in a formal manner by a member of this Association appointed by the incoming President, and it shall be his duty to procure, wherever feasible, the co-operation of an officially appointed representative of the State or local Bar Associations; (2) that a printed copy of this memorial and of Mr. John W. Davis' address delivered last year before the Judicial Section be presented, or where that is not feasible, be mailed to each of the judges of said courts; (3) that the Committee on Reports and Digests be charged with the responsibility of such printing and mailing.”

#### MEMORIAL.

*To the Courts of the United States and the Appellate Courts of the Several States:*

The American Bar Association, as representative of all branches of the legal profession in America, and with conscious pride in the manner in which American courts have discharged and are discharging their judicial duties, ventures, in a spirit not of criticism, but of co-operation, to address to the courts of the country whose opinions are reported in the books the following memorial:

For many years the accumulation of reported cases which form our body of legal precedent has

been the subject of grave concern. The acceleration in their numbers in recent years is such as to create alarm. More than 11,500 volumes of American reports are now extant, and those published within the last 30 years exceed in number the total for all the years preceding. In our system of State and Federal Governments we have far more courts of last resort than any other people have, and with the growth of population litigation in all these courts must increase in like proportion. Unless, therefore, the problem is seriously attacked it is not improbable that in the near future the burden of accumulated precedent will become not only serious, but insupportable. Indeed, it may ultimately jeopardize our whole theory of customary, as distinguished from codified, law, and may impair, if not destroy, our doctrine of the sanctity of judicial precedent.

The American Bar Association recognizes the joint interest of the Bench and Bar in the premises, and does not minimize the share of the Bar in the responsibility for the evil nor its duty to co-operate in applying the remedy. It believes, however, that the matter is one for the especial cognizance of the judiciary and that no effort at reform, whether it come from the profession itself or from the legislative branch of the government, can be so effective as those remedies which judicial initiative alone can supply.

With a deep sense of the gravity of the situation the Association is impelled, therefore, to approach the courts of the country and to urge that they seriously address themselves to the problem presented. In so doing criticism is foreign to its

intent and censorship beyond its power. Certain concrete steps may be referred to because they have been so often discussed that they may be treated as representing the common judgment of the profession. These are: (a) A conscious effort at the shortening of opinions and the recognition of brevity virtue second only to clearness; (b) an avoidance of multiplied citations and of elaborate discussions of well-settled legal principles and of lengthy extracts from text-books and earlier opinions; (c) the presentation of so much, and no more, of the facts as are necessary to present the precise question at issue; (d) a reduction of the number of reasoned opinions and a corresponding increase in the number of memorandum or *per curiam* decisions, with a brief statement, when necessary, of the points decided and of the ruling authorities.

To such efforts as may be made in pursuit of this and similar reforms, the Association, speaking for itself and its membership, pledges to the judiciary its hearty support.

Respectfully submitted,

EDWARD Q. KEASBEY,  
SIGMUND ZEISLER,  
THOMAS H. REYNOLDS,  
WILLIAM M. MCKINNEY,  
JOHN W. DAVIS.

NOTE.—Mr. Davis concurs in the foregoing report but not in the recommendation that a printed copy of his address be delivered or mailed with the memorial.



## REPORT OF DELEGATES TO AMERICAN BAR ASSOCIATION.

*Mr. President and Gentlemen of the Oklahoma State  
Bar Association:*

At the December, 1916, meeting of the Oklahoma State Bar Association, J. B. Dudley, Norman; F. E. Shoemaker, Pawnee, and E. E. Grinstead, Pawhuska, were named as delegates to the 1917 meeting of the American Bar Association.

The Association last named held its 1917 session at Saratoga Springs, New York, September 4, 5 and 6. Conditions were such, on the dates named, that Delegates J. B. Dudley and F. E. Shoemaker were unable to attend said meeting.

However, the honor of representing this Association did not devolve wholly upon the writer, there being in attendance the following members of this Association: Charles B. Ames, Oklahoma City; Robert F. Blair, Wagoner; Ephraim H. Foster, Muskogee; Elmer E. Grinstead, Pawhuska; W. H. Martin, Hot Springs; J. B. A. Robertson, Oklahoma City; Franklin P. Schaffer, Muskogee, and Jacob R. Spielman, Oklahoma City.

At a meeting held by the Oklahoma members, the following officers and members of committees were chosen: Member of General Council, Robert F. Blair, Wagoner; Vice-President, Charles B. Ames, Oklahoma City; members of Local Council, Jacob R. Spielman, Oklahoma City, Elmer E. Grinstead, Pawhuska, Ephraim W. Foster, Muskogee, and J. B. A. Robertson, Oklahoma City.

From the record of the American Bar Association, the writer ascertained that 154 members of the Oklahoma Bar are members of said Association; that eight members of this Association attended the recent meeting. By comparison, this showing was better than that by the Bars of our neighboring States, with the exception of Kansas, which was credited with eleven members present. Kansas, however, has only 139, while Oklahoma has 154, members of the American Bar Association.

The records referred to and the figures set forth above demonstrate that the members of the Oklahoma Bar are progressive and loyal to the ideals of their profession. However, it was earnestly urged upon the attention of those attending the meeting that a greater number of the members of the Bar from each State should become members of the American Bar Association. This matter of membership is earnestly called to the attention of the members of this Association at this time.

The meeting of the American Bar Association in question was an important one, in that every utterance and every paper was framed in a fire of intense patriotism. There was but little liking for the dry facts or scientific aspects of the law. The very atmosphere seemed charged with the idea that the lawyers of this Nation had been challenged to works of loyalty and patriotism and to sacrifice and service as never before in the history of our common country.

During the course of the meeting it was repeatedly pointed out that members of the Bar were "doing their bit" in the present world crisis. Some,

like Honorable Elihu Root, to head a diplomatic mission to a foreign State, or General John J. Pershing, an honored member of the Nebraska Bar, to lead our soldiers wherever duty calls in the interest of a world-wide democracy. Others had closed their offices for the period of the war and enlisted in the service of our Government in the one-dollar-a-year brigade, and all, without exception, were giving of their time, talents and substance, to the end that right and not might shall rule the world.

To attempt to bring you the worth-while things of the meeting would necessitate a transcript of the entire proceedings. This, of course, is an impossibility. I cannot refrain, however, from calling your attention to the following matters, which are of such vital interest to the members of this Association that I feel assured you will pardon my incorporating them in this paper:

At the outset of the meeting, the Honorable Elihu Root presented the following resolution, which was adopted unanimously by a rising vote and with great applause:

“The American Bar Association declares its absolute and unqualified loyalty to the Government of the United States.

“We are convinced that the future freedom and security of our country depends upon the defeat of German military power in the present war.

“We urge the most vigorous possible prosecution of the war with all the strength of men and materials and money which the country can supply.

"We stand for the speedy dispatch of the American Army, however raised, to the battle front in Europe, where the armed enemies of our country can be found and fought and where our own territory can be best defended.

"We condemn all attempts in Congress and out of it to hinder and embarrass the Government of the United States in carrying on the war with vigor and effectiveness.

"Under whatever cover of pacificism or technicality such attempts are made, we deem them to be in spirit pro-German and in effect giving aid and comfort to the enemy.

"We declare the foregoing to be overwhelmingly the sentiment of the American Bar."

Upon the recommendation of the Executive Committee, the Association passed a resolution remitting the dues for the ensuing year of all members of the Association who have suspended active practice of the law to enter the military or naval service of the United States.

Also the following resolution:

"RESOLVED, That the Executive Committee of the American Bar Association recommends to the various State and local Bar Associations of the United States that they undertake war work along the following lines:

"(a) Rendering legal assistance to those entering the Federal service and to exemption boards.

"(b) Conservation of the practice of lawyers entering such service.

"(3) Relief, where not otherwise provided for, of the families of lawyers engaged in such service.

"(d) Assist the Federal and State authorities in all activities in connection with the war, including the furnishing of capable public speakers for the promotion of patriotism and patriotic endeavor.

"And it is further recommended that the work of the various State and local Bar Associations, along the foregoing lines, be so far as possible co-ordinated and standardized."

The keynote of every utterance in the meeting was loyalty and service. The papers, "War Powers Under the Constitution," by Honorable Charles Evans Hughes; "Prussian Law as Applied to Belgium," by Honorable Gaston De Laval; "The Representative Idea and the Bar," by Robert McNutt McElroy; "The Mexican Hot House Constitution," by William H. Burgess, were especially worthy of mention, as throwing great light upon the duty of this people with reference to the world tragedy.

The world is looking to the lawyers for counsel and leadership in the present crisis. We are measurably, at least, the guardians of democracy for the coming years. Let us write upon our banners "Loyalty, Service and Sacrifice," and move forward with steady tread and stout hearts, keeping step to the martial music of the eternal ages, thankful for the patriotism and moral courage that leads us to

give all that we possess, our very lives if need be, that right and not might shall control the destinies of mankind.

Respectfully submitted,

ELMER E. GRINSTEAD,

*Delegate to American Bar Association, 1917.*

Report received and filed.

Resolution of the American Bar Association embodied in this report adopted.

## REPORT OF COMMITTEE ON COMMERCIAL LAW.

*To the Oklahoma State Bar Association:*

Your Committee on Commercial Law would report that in the spring of 1916 a movement was started by the leading law firms handling commercial business to obtain an increase of rates on collections with and without suit. At that time the prevailing rate throughout the country, which had been adopted by the Commercial Law League of America and the National Credit Men's Association, was 10 per cent on the first \$300.00, 5 per cent on the excess to \$1,000.00, 2½ per cent on excess of \$1,000.00, with a minimum fee of \$3.00 where collected without suit and a minimum fee of \$5.00 for reducing claim to judgment in justice court and \$10.00 in courts of record. The movement started by the commercial lawyers was to increase these rates to 15 per cent on the first \$300.00, 10 per cent on the next \$700.00 and 5 per cent on excess of \$1,000.00, claims under \$10.00, 50 per cent, minimum suit fee, \$7.50. At the 1917 Convention of the Commercial Law League of America, the foregoing schedule was adopted. Since that time all the leading law lists have adopted this rate as the contract rate on all claims forwarded and business handled without other or contrary agreement between the forwarder and receiving attorney. Up to November 20th, the Bar Associations of nine hundred forty-eight cities and towns had adopted the foregoing schedule of fees. The Missouri State Bar Associa-

tion was the first State Bar Association to adopt this schedule, if your committee is correctly informed. Illinois has adopted substantially the same schedule. We are informed that, in all probability, the next session of the Illinois State Bar Association will adopt this uniform schedule previously worked out and adopted by the Commercial Law League.

It is the desire of your committee that this Association go on record as having adopted the foregoing schedule. The present high cost of living and labor, in the office as well as elsewhere, entitles the lawyer to greater compensation than was received a few years ago. The increase mentioned is entirely justified. The fees charged for handling commercial items should be as near uniform as can be. The schedule proposed is intended only as a minimum to govern only where no greater fee is agreed upon.

Respectfully submitted,

JOHN H. MOSIER, *Chairman.*

Adopted.



## REPORT OF GRIEVANCE COMMITTEE.

### *Oklahoma State Bar Association:*

We, your Grievance Committee for the year 1917, beg to report that there have been few matters brought to our attention wherein improper practices have been charged against members of this Association during the present year, and the majority of the charges so brought are matters which have arisen prior to the present year. The complaints received have been referred to local committees.

We beg to suggest that the machinery provided by this Association for taking care of grievances is insufficient. No funds are provided for the investigation of complaints, and reference to local committees always proves unsatisfactory. In our judgment, better results would be obtained by providing a small fund to take care of investigations, and by the election or appointment of some one man to make investigations and to prosecute where prosecutions are deemed advisable.

Respectfully submitted,  
J. H. GORDON,  
*Chairman Grievance Committee.*

Filed without action.

## REPORT OF THE COMMITTEE ON CODE OF LEGAL ETHICS.

Your Committee begs to submit the following report:

In 1909 at the annual meeting of the Oklahoma Bar Association, the Canons of Legal Ethics adopted by the National Bar Association at its thirty-first annual meeting at Seattle, Washington, on August 27, 1908, were adopted as the code of legal ethics governing the conduct of lawyers in Oklahoma, and said code was printed in the proceedings of the Association for that year. Your Committee has carefully read the principles set forth in this code of ethics and is of the opinion that they are ample to guide the conduct of lawyers in all of the various departments of the legal profession. The preamble sets forth in general terms the high standard of efficiency and integrity to which every lawyer must strive in his relation to his profession. The language is:

“In America, where the stability of courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon our maintenance of justice pure and unsullied. It cannot be so maintained unless

the conduct and the motives of the members of our profession are such as to merit the approval of all just men."

The exalted and noble sentiment set forth in this preamble is seldom surpassed in public expression. Our great President of the United States has repeated in almost identical language this same expression of sentiment in defining the attitude of the Government of the United States in its relation to other nations, great and small.

We, therefore, make no suggestion of amendment to this code. It will be borne in mind, however, that this code of ethics has no legal sanction in the State of Oklahoma. It is merely suggestive, and its infraction does not bring upon the offender any certain punishment. However, the laws of Oklahoma governing the conduct of lawyers in their relation to the courts, to each other and to the public are probably sufficient to reach most any case wherein the lawyer violates the principles set forth in this code. Other States have adopted the same code of ethics, but some of them have found that definite legislation is necessary to vitalize these principles and to reach and punish the misconduct of erring lawyers. A committee of the Baltimore Bar Association recently made a recommendation along this line, which is commented on in an editorial in the December number of Law Notes at page 164. A part of this editorial is in the following language:

"A committee of the Baltimore Bar Association has recommended legislation in aid of the code of ethics which if adopted will, in the

language of the committee, 'put teeth into the rules.' The proposed act is as follows: 'The Court of Appeals shall adopt such rules and regulations governing attorneys at law in their professional conduct as the Court of Appeals may, in their discretion, consider advisable, and it shall be the duty of the judges of the courts of the several counties of the State and of Baltimore city, including the judges of the Orphans' Court of the several counties of the State, and the judges of the Orphans' Court of Baltimore city, to enforce such rules and regulations.' While the formulation of a code of ethics by the American Bar Association was a step in the right direction, it was, of course, but a preliminary or educational step. A code wholly without legal sanction is observed by the majority for whom no code is needed and disregarded by the unethical minority. The educational work of the Bar Association would seem to have progressed to the point where it is feasible to put the code of ethics into such form that it will reach those who do not care whether their conduct is ethical or not so long as they can keep out of jail. The legal profession is today the only one which maintains a strict discipline over its members in respect to their conduct toward those who employ them. But there are many matters short of sheer dishonesty in which a small number of practitioners continue to bring the profession into disrepute, and such a measure as is proposed by the Baltimore Association would seem to be the most

direct and certain method of putting a curb on the unethical few whose activities the public is too prone to regard as characteristic rather than exceptional. Just how the plan of putting the disciplinary power in the hands of the judges will work remains to be seen. The semi-paternal relation of the Bench and Bar seems to produce excellent results in England, etc., etc."

For the most part the Bar in Oklahoma has maintained a very high standard of ethics, but we regret to say that in the past year several instances have arisen in which it became necessary for charges to be filed against members of the Bar for unethical conduct, and several members have been suspended or disbarred, but we believe that in every case which so far has arisen the laws of Oklahoma have been ample to bring the offender to justice. Any court has the power to order disbarment charges filed against an erring attorney and any individual has the right to file such charges.

Your Committee recommends no change in the code of legal ethics, but does recommend that unethical lawyers be promptly and suitably punished for misconduct to the end that the profession be not brought into disrepute by the conduct of a few unworthy members.

Respectfully submitted,

J. A. DUFF,

*Chairman of the Committee.*

Approved.

## REPORT OF THE SPECIAL LEGISLATIVE COMMITTEE.

### *To the Oklahoma State Bar Association:*

At the 1916 session, the undersigned were appointed a Special Legislative Committee in order to convey to the Governor and the Legislature certain recommendations of this Association. Those recommendations were:

1. That the number of Justices of the Supreme Court be increased to nine.

2. That the Supreme Court Commission be continued.

3. An act making it unnecessary that a party to an action against whom a judgment by default has been rendered should be made a party in the Supreme Court, and likewise making it unnecessary to make a party in whose favor a judgment has been rendered in the trial court a party in the Supreme Court unless his presence be indispensable.

4. An act simplifying the serving and settling of case-made where there is more than one party to be served; and

5. That when an appeal is perfected from a final order within the statutory period that all previous orders and rulings in the cause may be reviewed on this appeal.

We take pleasure in reporting that the first and second recommendations were enacted into law. The third is substantially covered by House Bill No. 576. The fourth recommendation was adopted by the Legislature in Senate Bill No. 233, which applies

where there are more than two parties to be served. There was no legislation covering the fifth recommendation.

Increasing the number of the justices would further facilitate the business of the court if the court would adopt a system by which a quorum of the court only would sit in ordinary cases.

We therefore suggest that this Association recommend to the court that the Chief Justice should sit in all cases. That generally there should sit with him only four of the Associate Justices. That a system be inaugurated by the court by which the five Justices who hear a case, render a decision therein, if they are unanimous. That where they are not unanimous the cause be assigned for argument before the full court. That in all cases involving constitutional questions and in other cases upon the call of the Chief Justice the full court shall sit.

Between June 1st and December 1st, 1916, with 18 members of the Supreme Court Commission, 580 opinions were filed of which 108 were by the court, and 472 by the Commission. During the same period of 1917, with nine members of the Supreme Court Commission, 332 opinions were filed, of which 150 were by the court, and 182 by the Commission. We understand that in 1917 all opinions of the Commission were considered by the court before being filed, while in 1916 they were filed without being considered by the court.

Under the present system in six months each judge has averaged 18.44 opinions. While under the previous system each judge averaged 25 opinions.

During the same period of time in 1916 423 cases were filed, so that in that year the court gained on the docket 157 cases.

During the same period of 1917, 455 new cases were filed so that the court lost on the docket 123 cases.

It is apparent, therefore, that under the present system the docket is gaining on the court, and that it is necessary to make some change in the system in order to clear the docket.

In Alabama, Oregon, Maine and New Jersey, without express authority for sitting in divisions, the Supreme Court divide into departments or sections for hearing cases. In California, Colorado, Florida, Iowa and Missouri constitutional or statutory provision is made for sitting in divisions.

It may be transgressing upon the jurisdiction of this committee to make the recommendation herein contained, but it is so closely related to the objects for which we were appointed that we hope the Association will overlook the transgression.

Respectfully,

C. B. AMES,

*Chairman;*

P. D. BREWER,

FRANK M. BAILEY,

S. H. HARRIS,

S. W. HAYES.

Adopted.



## REPORT OF COMMITTEE ON UNIFORMITY OF LAWS.

*To the Oklahoma State Bar Association:*

Mr. President and Gentlemen:

Your Committee on Uniformity of Laws has had under consideration the important question involved.

The securing uniformity of laws has long since been considered by the American Bar Association and by the several State Bar Associations.

The result of the work of the bar has borne fruit to a limited extent.

A uniform negotiable instrument law, through this influence, has been enacted in nearly all of the forty-eight states.

Some progress has been made in the adoption of laws relating to other subjects of general interest.

There are several subjects upon which the laws of the several states should be uniform.

Marriage and divorce laws should be uniform; laws relating to sales of merchandises; laws relating to the organization of corporations, and the issuing of corporate stock.

It is a thing to be regretted that persons desiring to organize corporations for the transaction of business in Oklahoma should be permitted to go through the form of organization in Delaware or Arizona and then do business in Oklahoma upon a basis denied to domestic corporations.

With forty-eight states with law-making bodies each legislating along different lines of thought and a National Legislature undertaking to legislate for the whole, there must necessarily result a difference of laws more or less responsive to the needs of the people in the different jurisdictions.

And while it might be desirable were conditions different from what they are, for efforts to be made by Bar Associations of the country to establish a more general uniformity of the law, it appears to your committee that the world conflict now being waged in Europe and into which practically the world has been drawn, is of so much more importance, that it is not now advisable or expedient to press these questions upon the Legislatures of the different states. The intelligence of the members of the bar can be better exerted to sustain the government in its hour of need and to hold up the flag wherever it may be carried in the interest of human liberty.

Respectfully submitted,

HENRY E. ASP,  
*Chairman.*

## BANQUET.

OKLAHOMA STATE BAR ASSOCIATION.

Skirvin Hotel, Oklahoma City, Friday Evening,  
December 28, 1917, 6:30 Sharp.

### MENU.

Blue Point Cocktail  
Celery Hearts      Queen Olives      Salted Almonds  
Cream of Fresh Tomato Souffle  
Deviled Crab  
Broiled Sirloin Steak  
Potatoes au Gratin      French Peas en Cases  
Curocoa Punch  
Head Lettuce      1000 Island Dressing  
Saltine Flakes  
Mince Pies  
Neapolitan Ice Cream      Angel Food Cake  
Philadelphia Cream Cheese, with Bar-le-Duc  
Cafe Noir  
Mints

### PROGRAM.

Toastmaster, N. A. Gibson, Muskogee  
"The Lawyer in the Revolutionary War," H. H.  
Rogers, Tulsa.  
"To be prepared for war is one of the most ef-  
fective means of preserving peace."

—Washington

"The Lawyer in the Civil War," Elmer J. Lundy,  
Tulsa.

"Go in anywhere, Colonel. You'll find lovely  
fighting along the whole line."—*Kearney*.

"The Lawyer in the World War," H. C. McKeever,  
Enid.

"Millions for defense, but not one cent for  
tribute."—*Pickney*.

"The Oklahoma Bar and Its Responsibility in the  
Present Crisis," C. O. Blake.

"We mutually pledge to each other, our lives,  
our fortunes and our sacred honor."—*Jefferson*.

Address, Gov. Charles H. Brough, Little Rock, Ark.

## CONSTITUTION.

### ARTICLE I.

#### NAME AND OBJECT.

This Association shall be known as "THE OKLAHOMA STATE BAR ASSOCIATION." Its object shall be to advance the science of jurisprudence, promote the administration of justice, and, in the enactment of wise and useful legislation, uphold the honor of the profession of the law, and encourage cordial intercourse among the members of the Oklahoma bar.

### ARTICLE II.

#### QUALIFICATIONS FOR MEMBERSHIP.

Any person shall be eligible to membership in this Association who shall be a member in good standing of the Bar of Oklahoma and who shall be nominated as hereinafter provided; Provided, that any such person who has heretofore been a member of this Association and defaulted in his dues and thereby ceased to be a member may be reinstated upon his making application to the General Council and tendering to the Treasurer of the Association all dues as to which he is delinquent; and provided, further, that, in the event a member is delinquent for more than three years, the General Council may admit such member upon payment of the delinquent dues for such three years.

## ARTICLE III.

## OFFICERS AND COMMITTEES.

Section 1. The following officers shall be elected at each annual meeting of the Association for the year ensuing: a President (the same person shall not be elected President two years in succession); one Vice-President from each judicial district; one Secretary; one Treasurer, a General Council consisting of seven members, and an Executive Committee, which shall consist of the President, the retiring President, the Treasurer, the Secretary and four members to be elected, and the President shall be the chairman of the committee.

Sec. 2. The following committees shall be annually appointed by the President for the year ensuing, and shall consist of five members each:

On Jurisprudence and Law Reform;

On Judicial Administration and Remedial Reform;

On Legal Education and Admission to the Bar;

On Commercial Law;

On Grievances;

On Law Reporting and Digesting;

On Banquets;

On Uniformity of Laws.

A committee of three, of whom the secretary shall always be one, whose duty it shall be to report to the next meeting the names of all members who shall have died since the last session, with such notices of their death as shall, in the discretion of the committee, be proper; and it shall be the duty of the

Vice-President from each district to report the death of members within the same to the said committee.

Sec. 3. The Vice-President for each judicial district, and not less than two other members from such district, to be selected and appointed by the respective Vice-Presidents, shall constitute local councils for such districts, to which shall be referred all applications for membership therefrom. The Vice-President shall be ex-officio chairman of such local council, and shall notify the members selected by him to compose such council, and shall notify the Secretary of the names of the members so selected.

Sec. 4. A majority of those members of any committee who may be present at any meeting of the committee shall constitute a quorum of such committee for the purpose of such meeting.

Sec. 5. Vacancies in elective offices shall be filled by selection by the Executive Committee; Provided, that vacancies in the General Council, if a majority do not attend any annual session, shall be filled at such session by election by the Association, or in such manner as the Association shall at such session determine.

Sec. 6. It shall be the duty of the General Council at each general meeting of the Association to act as a committee for the purpose of nominating officers for the Association for the ensuing year.

#### ARTICLE IV.

##### ELECTION OF MEMBERS.

Section 1. All nominations for membership shall be made by the local council of the district to

which the persons nominated belong. Such nominations shall be transmitted in writing to the chairman of the General Council and be approved by the General Council by vote by ballot. All nominations thus made and approved shall be reported by the council to the Association, and all whose names are thus reported shall become members of the Association; Provided, that if any member demand a vote upon any name thus reported, the Association shall vote thereupon by ballot.

Several nominations, if from the same district, may be voted for upon the same ballot, and in such case, placing the word "no" against any name or names on the ticket shall be deemed a negative vote against such names and against those only. Five negative votes shall suffice to defeat an election.

Sec. 2. The General Council may also nominate members from districts having no local council, and at the annual meeting of the Association, in the absence of all members of the local council of any district.

Sec. 3. No nominations shall be considered by the General Council, or made or reported by them, unless the application for membership be accompanied by a statement in writing by at least three members of the Association from the same district with the person nominated, or, in their absence, by members of a neighboring district, to the effect that the person nominated has the qualifications required by the Constitution, and recommending his admission as a member.

Sec. 4. Persons eminent in the profession of



law, non-residents of this State, may be elected honorary members of the Association.

#### ARTICLE V.

##### DUES.

\*Each member shall pay five dollars to the Secretary as annual dues, and no person who is in default shall exercise any privilege of membership. Such dues shall be payable and the payment thereof enforced as may be provided by the by-laws.

Members in good standing shall be entitled to receive all publications of the Association free of charge.

#### ARTICLE VI.

##### BY-LAWS.

By-laws may be adopted or amended at any annual meeting of the Association by a majority of the members present.

#### ARTICLE VII.

##### ANNUAL ADDRESS.

The President shall open each annual meeting of the Association with an address, in which he shall communicate the most noteworthy changes in statutory law upon points of general interest made in the territories and by Congress, affecting the State during the preceding year.

#### ARTICLE VIII.

##### ANNUAL MEETING.

This Association shall meet annually at such

time and place as shall be designated by the Executive Committee.

#### ARTICLE IX.

##### ENDORSEMENTS.

Neither this Association nor any officer thereof, as such officer, shall endorse any person for office, whether political or otherwise, nor shall any officer, as such officer, unless he has been duly authorized by this Association at a regular session, commit this Association to any governmental policy.

#### ARTICLE X.

##### AMENDMENTS.

This Constitution may be altered or amended by a vote of three-fourths of the members present at any annual meeting; but no change shall be made at any meeting at which less than twenty members are present.

## BY-LAWS.

\*1. The Executive Committee shall prepare a program for each annual meeting and notify the members selected for duty thereupon, at least six months before each annual meeting of the Association, and shall select some person outside the membership of the Association to deliver an address; and the Executive Committee shall also prepare a program for the banquet, and shall notify all members, who are selected to respond to toasts, at least thirty days before such banquet.

The Executive Committee shall have the power to determine from year to year the amount of compensation to be paid to the Secretary, and make allowances for expenses of committee.

2. The President shall determine the order of exercises at the annual meeting.

3. All papers read before the Association shall be lodged with the Secretary.

4. The President shall make all appointments, which he is required to make, before the adjournment of the annual meeting, if possible; and in any event, not later than thirty days thereafter.

5. Special meetings of any committee shall be held at such times and places as the chairman thereof may appoint, reasonable notice being given by him to each member by mail.

\*6. The annual dues shall be paid in advance. If any member fails to pay the same ninety days

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\*Amended 1913.

after the 1st of January of each year, this shall effect a suspension of such delinquent member. At the expiration of sixty days after said 1st of January, the Secretary shall give notice of the provisions of this by-law to all members then in default; and, at the expiration of said ninety days, only members who have paid their dues for the ensuing year shall be considered in good standing.

\*7. Admission to the annual banquet shall be on tickets issued by the Secretary. Each member in good standing and not in arrears for dues shall be entitled to one ticket for his personal use, which shall not be transferable. Guest tickets may be issued to members present for persons who are not eligible for membership in the Association, upon payment by the member applying therefor of the actual cost of the banquet plate. Guest tickets shall be limited to such number as can be provided for without inconvenience to members.

*Provided*, That if at any time the Executive Committee shall determine that the financial condition of the Association requires it, they may fix a price for banquet tickets and the same shall be issued only upon payment of such sum.

8. Any lawyer resident of this State, making due application for membership in this Association, said application bearing the endorsement of at least two members of the local council of his district and being accompanied by the sum of five dollars annual dues, shall be temporarily enrolled by the Secretary of this Association and be a member thereof to all intents and purposes until the next regular meeting,

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\*Amended 1914.

when his application shall be finally acted upon and the applicant permanently elected or rejected.

9. There shall be appointed by the President of this Association, at the time of the appointment of other committees by him, three members within each judicial district of the State, whose duty it shall be to investigate any reported misconduct of any attorney in their district, and whose duty it shall be to report to the President and Secretary any such attorney whom they believe, after such investigation, to have been guilty of unprofessional conduct; and when such report is made the President shall immediately appoint, as a prosecuting committee, two members of the Association, who shall be residents of a court district other than that in which the accused may live, and the President is hereby authorized in his discretion to use any moneys in the treasury of this Association, not otherwise appropriated, for such purposes; and such committee shall, as soon as possible, institute disbarment proceedings against such accused, and the result of such disbarment proceedings shall be reported in full to the next regular meeting of the Association; Provided, that the name or names of such persons who may inform against the accused shall be kept secret by the committee.

10. This Association shall, at its annual meeting, select three of its members to attend the annual meeting of the American Bar Association. Said delegates shall represent the Association in any matters of interest that may arise at such meeting, and shall report the same to the next annual meeting of this body. Such delegates shall defray their own

expenses in attending such meetings, and shall have authority to designate and commission alternates in case of their inability to attend.

11. The reports of all standing committees, except the Committee on Necrology, shall be filed with the Secretary not less than sixty days prior to the next annual meeting of the Association, and it shall be the duty of the secretary to have said reports printed, and to send a copy of every report to each member of the Association not less than thirty days prior to said annual meeting.

## ROLL OF MEMBERS

Abbott, Chas. P., Durant  
 Adams, F. D., Miami  
 Abernathy, G. C., Shawnee  
 Allen, W. R., Muskogee  
 Ames, C. B., Oklahoma City  
 Anderson, F. G., Pauls Valley  
 Anderson, W. W., Woodward  
 Arnote, J. S., McAlester  
 Austin, W. C., Eldorado  
 Austin, J. G., Miami  
 Asp, Henry E., Oklahoma City

Bell, R. E., Oklahoma City  
 Bailey, F. M., Chickasha  
 Barefoot, B. B., Chickasha  
 Black, Oliver C., Oklahoma City  
 Black, Chas. C., Lawton  
 Black, Geo. E., Tulsa  
 Blake, E. E., Oklahoma City  
 Blake, C. O., El Reno  
 Blair, R. F., Wagoner  
 Blanton, J. T., Pauls Valley  
 Brasted, Fred, Oklahoma City  
 Babcock, Lucius, El Reno  
 Barnes, Geo. G., Oklahoma City  
 Barker, Norman, Bartlesville  
 Ballinger, Dyke, Anadarko  
 Bell, Albert H., Tulsa  
 Bledsoe, S. T., Oklahoma City (Life Member)

Brennan, John H., Bartlesville.  
 Biddison, A. J., Tulsa  
 Bird, J. W., Enid  
 Boardman, Homer N., Oklahoma City  
 Bond, Reford, Chickasha  
 Bowman, G. L., Kingfisher  
 Bowling, R. E., Pauls Valley  
 Bozarth, Mark L., Okmulgee  
 Brown, Jas. L., Oklahoma City  
 Brown, H. H., Ardmore  
 Buchannan, Anselon, Vinita  
 Bunn, C. O., Oklahoma City  
 Burns, Robert, Oklahoma City  
 Burford, J. H., Oklahoma City  
 Bush, Chas. E., Tulsa  
 Brunson, D. D., Coalgate  
 Blue, Burdette, Bartlesville  
 Boys, A. T., Oklahoma City  
 Buckholts, E. E., Oklahoma City  
 Brewer, P. D., Oklahoma City  
 Burnette, S. C., Cordell  
 Balger, P. C., Poteau

Connell, J. V., Durant  
 Calhoun, S. A., Oklahoma City  
 Campbell, R. M., Oklahoma City  
 Campbell, R. E., Muskogee  
 Campbell, Harry, Tulsa  
 Carmichael, J. D., Chickasha  
 Carroll, Gray, Tulsa

Carter, Dorset, Oklahoma City  
 Cate, Roscoe, Muskogee  
 Chase, W. A., Nowata  
 Classen, A. H., Oklahoma City  
 Cavaness, D. M., Chickasha  
 Clark, E. M., Pawnee  
 Cress, W. P., Perry  
 Chick, John M., Tulsa  
 Childers, J. W., Okmulgee  
 Cliff, J. G., Okmulgee  
 Childress, Ethel K., Tulsa  
 Coppedge, Ad V., Grove  
 Cotteral, J. H., Guthrie  
 Cowan, Jas. A., Moore  
 Crockett, A. P., Oklahoma City  
 Cosgrove, Jas. W., Muskogee  
 Coffield, J. D., Lindsay  
 Cruce, A. C., Oklahoma City  
 Curran, J. E., Blackwell  
 Cruce, M. K., Oklahoma City  
 Curran, J. E., Enid  
 Cullison, Jas. B., Enid  
 Chambers, T. G., Oklahoma City  
 Curry, Guy A., Stigler

Day, Jean P., Oklahoma City  
 Davenport, J. S., Vinita  
 Davidson, R. L., Tulsa  
 Davenport, C. J., Sapulpa  
 Delchman, Peter, Tulsa  
 DeMeules, Edgar A., Tulsa  
 Denton, J. C., Muskogee  
 Dyer, Chas., Geary  
 Dillard, F. B., Tulsa  
 Diamond, Harry H., Holdenville  
 Diggs, Jas. B., Tulsa  
 Dickson, Chas. A., Okmulgee  
 Donovan Irwin, Muskogee  
 Dudley, J. B., Oklahoma City  
 Duff, J. A., Cordell  
 Durant, H. B., Miami

Embry, John, Oklahoma City  
 Eagleton, W. L., Norman  
 Epperson, B. H., Ada  
 Estes, J. S., Oklahoma City  
 Everest, J. H., Oklahoma City

Ferguson, A. H., Durant  
 Farmer, W. C., Wetumka  
 Fellows, R. S., Tulsa  
 Fryer, Gordon, Atoka  
 Froeling, S. P., Oklahoma City  
 Flemming, J. E., Poteau  
 Flemming, O. J., Enid  
 Fitzgerald, E. C., Miami  
 Foggs, H. L., El Reno  
 Foster, Emery A., Chandler  
 Foster, Ephraim H., Muskogee  
 Furry, J. B., Muskogee  
 Fulton, Elmer L., Oklahoma City

Galbraith, C. A., Oklahoma City  
 Grant, J. H., Oklahoma City  
 Garber, M. C., Enid  
 Gregg, W. R., Pawhuska  
 Green, Geo. M., Oklahoma City  
 Green, M. D., Muskogee  
 Green, Guy, Waurika  
 Greenslade, Rush, Tulsa  
 German, W. P. Z., Muskogee  
 Gibson, N. A., Muskogee  
 Gipson, E. H., Sayre  
 Givins, J. M., Muskogee  
 Grinstead, E. E., Pawhuska  
 Gordon, J. H., McAlester  
 Gubaer, N. J., Tulsa

Hayson, John W., Oklahoma City  
 Hatchett, C. C., Durant  
 Harreld, J. W., Ardmore  
 Harris, S. H., St. Louis  
 Harris, V. V., Oklahoma City  
 Haskell, Norman, Oklahoma City  
 Hatch, A. A., Tulsa  
 Hayes, S. W., Oklahoma City  
 Hayes, V. B., Durant  
 Hayes, John T., Hobart  
 Hayes, John L., Bartlesville  
 Harris, C. E., Okmulgee  
 Hardy, A. J., Ardmore  
 Hall, Leander, Hominy  
 Harrison, W. H., Poteau  
 Henshaw, Geo. A., Oklahoma City  
 Hindman, C. J., Tulsa  
 Hills, W. H., Enid  
 Hickam, John P., Stillwater  
 Hoffman, Roy, Oklahoma City  
 Hopkins, Phillip B., Muskogee  
 Horsley, Daniel B., Pawhuska  
 Howell, Edward, Oklahoma City  
 Holcomb, M. L., Pawhuska  
 Holden, Chas. A., Pawhuska  
 Humphreys, J. M., Atoka  
 Hunt, Albert C., Tulsa  
 Hutchins, W. T., Muskogee  
 Hughes, E. B., Sapulpa  
 Hummer, R. B. F., Henryetta  
 Humphrey, Paul N., Pawhuska  
 Hudson, B. H., Bartlesville  
 Harrod, J. Q. A., Oklahoma City  
 Horton, S. A., Oklahoma City  
 Harper, J. B., Talihina

Jackson, W. C., Oklahoma City  
 Jackson, C. L., Muskogee  
 Johnson, Chas. Edward,  
 Oklahoma City  
 Johnston, D. I., Oklahoma City  
 Jones, Philos S., Wilburton  
 Johnson, O. J., Oklahoma City

Kane, M. J., Oklahoma City  
 Kellough, R. W., Tulsa  
 Keith, I. P., McAlester  
 King, John H., Muskogee  
 Kidd, C. B., Oklahoma City  
 Klakadden, Geo., Tulsa  
 Kornegay, W. H., Vinita  
 Kruse, Carl, Enid  
 Kulp, Victor H., Norman

Lawson, E. B., Nowata  
 Leahy, T. J., Pawhuska  
 Ledbetter, W. A., Oklahoma City  
 Lewis, S. R., Tulsa  
 Lewis, Roy S., Holdenville  
 Lee, Jas. A., Enid  
 Libby, M. D., El Reno  
 Linn, Conn, Tulsa  
 Lindsey, P. D., Hominy  
 Liedtke, Wm. C., Tulsa  
 Logan, Oran J., Hobart  
 Lowe, R. G., Oklahoma City  
 Lucas, Clive O., Holdenville

Martin, John F., Oklahoma City  
 Mason, H. D., Tulsa  
 Mason, O. F., Miami  
 Malloy, Pat, Tulsa  
 Markley, A. C., McAlester  
 Mason, H. D., Pawhuska  
 Matthews, Wm. H., McAlester  
 Manatt, Guy A., Enid  
 Means, John B., Tulsa  
 Melster, M. G., Oklahoma City  
 Mills, S. A., Ardmore  
 Mitchell, Jos. D., Pawhuska  
 Miley, John H., Oklahoma City  
 Monett, J. C., Norman  
 Moore, Chas. L., Oklahoma City  
 Moore, W. H., El Reno  
 Morley, Bolos, Tulsa  
 Mosier, Jno. H., Muskogee  
 Moes, A. F., Tulsa  
 Monk, D. C., Okmulgee  
 Moon, Chas. A., Muskogee  
 Moore, W. L., Enid  
 Meyers, John H., Oklahoma City

McPherrren, Chas. E., Durant  
 McDonald, C. S., Pawhuska  
 McAdams, E. G., Oklahoma City  
 McArthur, Claire L., Lindsay  
 McCarty, Paul J., Oklahoma City  
 McMahan, A. J., Oklahoma City  
 McCain, Farrar L., Tulsa  
 McNaughton, Ray, Miami  
 McKeever, H. G., Enid  
 McKnight, L. E., Anadarko  
 McInnis, E. E., McAlester  
 McCoy, Hayes, Bartlesville  
 McDougal, D. A., Sapulpa  
 McDonald, A. A., Oklahoma City  
 McDonald, D. S., Durant  
 McCrory, C. B., Okmulgee

Noffsinger, W. W., Muskogee

O'Meara, J. P., Tulsa (Army)  
 Owen, Thos. H., Oklahoma City  
 Olier, Fred D., Tulsa  
 Oliver, H. G., Oklahoma City  
 Orton, L. V., Pawnee  
 Owen, Fred B., Oklahoma City  
 O'Neill, Thos. J., Chickasha

Parker, Chas. C., Durant  
 Peck, H. M., Oklahoma City  
 Pelly, L. A., Altus



Peeke, F. A., Tulsa  
 Pope, Paul M., Oklahoma City  
 Powell, Jas. L., Muskogee  
 Putnam, I. M., Ardmore  
 Price, O. L., Oklahoma City

Ramsdell, F. E., Arnett  
 Rainey, R. M., Atoka  
 Ralls, J. G., Atoka  
 Ramsey, Geo. S., Muskogee  
 Reed, Frank H., Tulsa  
 Reeves, Geo. E., Tulsa  
 Rice, B. F., Tulsa  
 Richardson, D. A., Oklahoma City  
 Rittenhouse, G. B., Oklahoma City  
 Rittenhouse, F. A., Chandler  
 Riley, Chilton, Duncan  
 Roach, J. L., Muskogee  
 Robertson, J. B. A., Oklahoma City  
 Roberts, R. J., El Reno  
 Rogers, H. H., Tulsa  
 Rogers, Chas. B., Tulsa (Army)  
 Rogers, John D., Altus  
 Rosser, M. E., Muskogee  
 Rogers, John, Tulsa  
 Robinson, T. M., Altus  
 Ross, J. S., Oklahoma City  
 Roseman, C. D., Enid  
 Roe, W. G., Frederick  
 Rutherford, S. M., Muskogee  
 Rummons, N., Hobart

Sharp, J. F., Oklahoma City  
 Shartel, Kent W., Oklahoma City  
 Sands, A. S., Pawhuska  
 Sandlin, J. M., Duncan  
 Shartel, J. W., Oklahoma City  
 Shea, John J., Tulsa  
 Sherman, Roger S., Tulsa  
 Smith, Harry H., Tulsa  
 Swindall, Chas., Woodward  
 Scott, E. F., Pawhuska  
 Slough, E. D., Ardmore  
 Stone, J. C., Muskogee  
 Stoutz, Richard Wm., Muskogee  
 Shoemaker, F. C., Pawnee  
 Sturdevant, Kittle C., Shawnee  
 Stuart, C. B., Oklahoma City  
 Stuart, H. L., Oklahoma City  
 Sullivan, Sam K., Newkirk  
 Sutherland, G. K., Hominy  
 Suits, Fred E., Oklahoma City  
 Sturgis, H. J., Enid

Shear, B. D., Oklahoma City  
 Stanley, Grant, Oklahoma City  
 Templeton, C. K., Pawhuska  
 Treadwell, S. C., Oklahoma City  
 Trevathan, J. L., El Reno  
 Titus, A. J., Cherokee  
 Thrift, J. E., Sapulpa  
 Tolbert, Jas. R., Hobart  
 Tomerlin, John, Oklahoma City  
 Thompson, R. B., Sapulpa  
 Tolbert, R. A., Hobart  
 Thompson, A. Scott, Miami  
 Thompson, Verne E., Miami  
 Tully, H. C., Eufaula  
 Turner, John E., Holdenville  
 Tyree, W. F., Durant  
 Tyler, A. H., Oklahoma City

Utterback, W. E., Durant

Van Dyke, B. F., Granite  
 Varner, T. T., Poteau  
 Vaught, Ed S., Oklahoma City  
 Veasy, Jas. A., Tulsa  
 Venable, John H., Chickasha  
 Vernor, Enloe V., Muskogee

Wahl, J. H., Shawnee  
 Walker, E. A., Oklahoma City  
 Walker, Paul A., Oklahoma City  
 Walker, Lafayette, Holdenville  
 Watts, Thos. J., Muldrow  
 Watts, Jesse W., Wagoner  
 Wallace, A. C., Miami  
 Wells, Frank, Oklahoma City  
 West, Preston C., Tulsa  
 Widdows, A. M., Pawhuska  
 Williams, R. L., Oklahoma City  
 Wilson, W. F., Oklahoma City  
 Wilson, D. H., Vinita  
 Wright, Allen, McAlester  
 Williams, W. I., Tulsa  
 Wilson, John B., Frederick  
 Woodford, J. W., Tulsa  
 Woods, Chas. H., Oklahoma City  
 Worten, Jesse J., Pawhuska  
 West, A. T., Oklahoma City  
 Womack, T. J., Alva  
 Williams, Ben F., Norman

Zevely, J. W., Muskogee  
 Zinser, A. L., Enid

## HONORARY MEMBERS.

Rome G. Brown, Minneapolis, Minn  
 S. T. Bledsoe, Chicago, Ill.  
 Hon. Frank Doster, Topeka, Kan.  
 Hon. Charles B. Farnham, St. Paul  
 Hon. Joseph M. Hill, Little Rock, Ark.  
 Hon. Charles H. Brough, Little Rock

Hon. F. B. Kellogg, St. Paul, Minn.  
 Hon. F. W. Lehmann, St. Louis, Mo.  
 Hon. Charles Nagel, St. Louis, Mo.  
 Hon. Eugene F. Ware, Topeka, Kan.  
 Roberts Walker, New York City

# ROLL OF MEMBERS BY JUDICIAL DISTRICTS AND POSTOFFICES.

## FIRST DISTRICT.

**GROVE:**  
Coppedge, Ad V.  
**MULDROW:**  
Watts, Thos. J.

**CHEROKEE:**  
Titus, A. J.

## SECOND DISTRICT.

**NOWATA:**  
Chase, W. A.  
Lawson, E. B.

## THIRD DISTRICT.

**MUSKOGEE:**  
Cosgrove, Jas. W.  
Campbell, R. E.  
Cate, Roscoe S.  
Denton, J. C.  
Donovan, Irwin.  
Foster, E. H.  
Furry, J. B.  
Gibson, N. A.  
Green, Maurice D.  
Harris, C. E.  
Hopkins, Phillip  
Hutchins, W. T.  
Jackson, C. L.  
Jones, E. R.  
Mosier, John H.

Motter, Edw. C.  
Moon, Chas. A.  
Noffsinger, W. W.  
Powell, Jas. L.  
Ramsey, Geo. S.  
Roach, L. J.  
Rosser, M. E.  
Schaffer, Franklin P.  
Stone, J. C.  
Stoutz, Richard Wm.  
Vernor, Enloe V.  
Zevely, J. W.  
Rutherford, S. M.

**WAGONER:**  
Blair, R. F.  
Watts, Jesse W.

## FOURTH DISTRICT.

**EUFAULA:**  
Tully, C. H.  
**McALESTER:**  
Anderson, F. G.

Arnote, J. S.  
Gordon, J. H.  
Keith, I. P.  
Markley, A. C.

## FIFTH DISTRICT.

**STIGLER:**  
Curry, Guy A.  
**TALIHINA:**  
Harper, J. B.  
**POTEAU:**  
Bolger, P. C.

Flemming, J. E.  
Varner, T. T.  
Harrison, W. H.  
**WILBURTON:**  
Jones, Philos S.

## SIXTH DISTRICT.

**DURANT:**  
Abbott, Chas. P.  
Connell, J. V.  
Ferguson, A. H.  
Hatchett, C. C.  
Hayes, V. B.

McDonald, D. S.  
McPherren, Chas. E.  
Parker, Chas. C.  
Tyree, W. T.  
Utterback, W. E.

## SEVENTH DISTRICT.

**ADA:**  
Epperson, B. H.

# ROLL OF MEMBERS

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## EIGHTH DISTRICT.

### ARDMORE:

Brown, H. H.  
Bunn, C. O.  
Hardy, A. J.

Harrel, J. W.  
Mills, S. A.  
Sigler, Guy H.  
Slough, E. D.

## NINTH DISTRICT.

### HOLDENVILLE:

Diamond, H. H.  
Lewis, Roy S. (Army)  
Lucas, Clive O. (Army)

Turner, John E.  
Walker, Lafayette

### WETUMKA:

Farmer, W. C.

## TENTH DISTRICT.

### CHANDLER:

Foster, Emery  
Rittenhouse, F. A.

### SHAWNEE:

Abernathy, G. C.  
Sturdevant, Kittle C.  
Wahl, J. H.  
Wells, C. E.

## ELEVENTH DISTRICT.

### GUTHRIE:

Cotteral, J. H.

## TWELFTH DISTRICT.

### BLACKWELL:

Curran, J. E.

### NEWKIRK:

Sullivan, Sam K.

### PERRY:

Cress, P. W.

## THIRTEENTH DISTRICT.

### EL RENO:

Babcock, Lucius  
Blake, C. O.  
Fogg, H. L.  
Moore, W. H.  
Roberts, R. J.  
Trevathan, J. L.

### OKLAHOMA CITY:

Ames, C. B.  
Asp, Henry E.  
Barnes, Geo. G.  
Burford, J. H.  
Bell, R. R.  
Black, Oliver C.  
Blake, E. E.  
Bledsoe, S. T. (Life Member)  
Boardman, Homer N.  
Boys, A. T.  
Brasted, Fred  
Brewer, P. D.  
Brown, Jas. L.  
Buckhoits, E. E.  
Burns, Robert  
Calhoun, S. A.  
Campbell, R. M.  
Carter, Dorset  
Chambers, T. G., Jr. (Army)  
Chambers, T. G.  
Classen, A. H.  
Crockett, A. P.  
Cruce, A. C.  
Cruce, M. K.  
Dudley, J. B.  
Embry, John

Estes, J. S.  
Everest, J. H.  
Fisher, F. W. (Army)  
Fitzpatrick, Kirby (Army)  
Freeling, S. P.  
Fulton, Elmer L.  
Galbraith, C. A.  
Grant, J. H.  
Green, Geo. M.  
Harris, V. V.  
Harris, S. H.  
Harrod, J. Q. A.  
Haakell, Norman  
Hayson, John W.  
Hayes, S. W.  
Henshaw, Geo. A.  
Hoffman, Roy (Army)  
Horton, S. A.  
Howell, Edw.  
Hurst, Homer (Army)  
Jackson, W. C.  
Johnson, Orville J.  
Johnson, Chas. Edw.  
Johnston, D. I.  
Kane, M. J.  
Kleinschmidt, R. A.  
Kidd, C. B.  
Kroeger, H. W.  
Lowe, Russell G.  
Ledbetter, W. A.  
Martin, J. N.  
McAdams, E. G.  
McCarty, Paul J.  
McDonald, A. A.

McMahan, A. J.  
 Melster, M. G.  
 Moore, C. L.  
 Meyers, John H.  
 Oliver, H. G.  
 Owen, F. B.  
 Owen, Thos. H.  
 Peck, H. M. (Army)  
 Pope, Paul M.  
 Price, O. L.  
 Richardson, D. A.  
 Rittenhouse, G. B.  
 Robertson, J. B. A.  
 Ross, J. S.  
 Sharp, J. F.  
 Shartel, J. W.  
 Shartel, Kent W.  
 Shear, B. D.

Stanley, Grant  
 Stuart, H. L.  
 Stuart, C. B.  
 Suits, Fred E.  
 Tyler, A. H.  
 Tomerlin, John  
 Treadwell, S. C.  
 Vaught, Ed S.  
 Walker, E. A.  
 West, A. T.  
 Wells, Frank  
 West, Chas. (Army)  
 Williams, R. L.  
 Wilson, W. F.  
 Woods, C. H.  
 Walker, Paul A.  
 Withington, W. R. (Army)

## FOURTEENTH DISTRICT.

LINDSAY:  
 McArthur, Claire L.  
 MOORE:  
 Cowan, Jas. A.  
 NORMAN:  
 Eagleton, W. L.

Kulp, Victor  
 Monnett, J. C.  
 Williams, Ben F.  
 PAULS VALLEY:  
 Blanton, J. T.  
 Bowling, R. E.

## FIFTEENTH DISTRICT.

ANADARKO:  
 Ballinger, Dyke  
 McKnight, L. E.  
 CHICKASHA:  
 Bailey, F. M.  
 Barefoot, B. B.  
 Bond, Reford  
 Carmichael, J. D.  
 Venable, John H.

Cavaness, D. M.  
 O'Neill, Thos. J.  
 DUNCAN:  
 Riley, Chilton  
 Sandlin, J. M.  
 LAWTON:  
 Black, Chas. C.  
 WAURIKA:  
 Green, Guy

## SEVENTEENTH DISTRICT.

CORDELL:  
 Burnette, S. C.  
 Beets, A. M.  
 Duff, J. A.  
 GEARY:  
 Dyer, Chas. E.

HOBART:  
 Hays, John T.  
 Logan, Oran J.  
 Rummons, N.  
 Tolbert, Jas. R.  
 Tolbert, R. A.

## EIGHTEENTH DISTRICT.

GRANITE:  
 Van Dyke, B. F.

SAYRE:  
 Gipson, E. H.

## NINETEENTH DISTRICT.

ALVA:  
 Womack, T. J.

## TWENTIETH DISTRICT.

ENID:  
 Flemming, O. J.  
 Bird, J. A.  
 Curran, Jno. F.  
 Cullison, James  
 Garber, M. C.  
 Hills, W. H.  
 Kruse, Carl

Lee, A. J.  
 Manatt, Guy A.  
 Moore, W. L.  
 McKeever, H. G.  
 Roseman, C. D.  
 Smith, Robert E.  
 Sturgis, Henry J.  
 Zinsner, A. L.

## KINGFISHER:

Bowman, G. L.

## WOODWARD:

Anderson, W. W.

### TWENTY-FIRST DISTRICT.

#### PAWNEE:

Clark, E. M.  
Orton, L. V.  
Shoemaker, F. C.

#### TULSA:

Black, Geo. E.  
Bell, Albert H.  
Biddison, A. J.  
Bush, Chas. E.  
Carroll, Gray  
Campbell, Harry  
Chick, John M.  
Childress, Ether K.  
Davidson, R. L.  
Deichman, Peter  
Diggs, Jas. B.  
Dillard, F. B.  
Fellows, R. S.  
Greenslade, Rush  
Gubser, N. J.  
Hatch, A. A.  
Hindman, C. J.  
Hunt, Albert C.  
Kellough, R. W.  
Kiskadden, Geo. (Army)

Lewis, S. R.  
Linn, Conn  
Liedtke, Wm. C.  
Mason, H. D.  
Means, John B.  
Malloy, Pat  
Morley, Bolos  
Moss, A. F.  
Oller, Fred D.  
O'Meara, J. P.  
Peeke, F. A. (Army)  
Reed, Frank H.  
Rogers, John (Army)  
Rogers, H. H.  
Sherman, Roger S. (Army)  
Smith, H. H.  
Shea, John J.  
Veasey, Jas. A.  
West, P. C.  
Williams, W. I.  
Woodford, J. W.  
McCain, Farrar L.  
Reeves, Geo. E.  
DeMeules, Edgar A.

### TWENTY-SECOND DISTRICT.

#### OKMULGEE:

Bozarth, Mark L.  
Childers, J. W.  
Matthews, Wm. M.  
McCrory, C. B.  
Monk, D. C.  
Dickson, Chas. A.

#### HENRYETTA:

Hummer, R. B. F.

#### SAPULPA:

Hughes, E. B.  
McDougal, D. A.  
Thompson, R. B.  
Thrift, J. E.

### TWENTY-THIRD DISTRICT.

#### MIAMI:

Adams, F. D.  
Austin, J. G.  
Durant, H. B.  
Fitzgerald, E. C.  
Mason, O. F.  
McNaughton, Ray  
Thompson, A. Scott

Wallace, A. C.  
Thompson, Vern E.

#### VINITA:

Buchannan, Anselon (Army)  
Davenport, J. S.  
Kornegay, W. R.  
Wilson, D. H.

### TWENTY-FOURTH DISTRICT.

#### BARTLESVILLE:

Baker, Norman  
Brennan, John H.  
Blue, Burdette  
Hayes, John L.  
McCoy, Hayes

Gregg, W. R.  
Humphrey, Paul N.

Mason, H. D.  
McDonald, C. S.  
Mitchell, Jos. D.  
Sands, A. S.  
Scott, E. F.  
Templeton, C. K.  
Widdows, A. M.  
Holden, Chas. A.  
Holcombe, M. L.  
Worten, Jesse J.  
Horsley, D. B.

#### HOMINY:

Hall, Leander  
Sutherland, G. K.  
Lindsey, P. D.

#### PAWEHUSKA:

Grinstead, E. E.  
Leahy, T. J.

## ROLL OF MEMBERS

## TWENTY-FIFTH DISTRICT.

## ALTUS:

Rogers, John D.  
Robinson, T. M.  
Pelly, L. A.

## ELDORADO:

Austin, W. C.  
FREDERICK:  
Roe, W. G.  
Wilson, John B.

## TWENTY-SIXTH DISTRICT.

## ATOKA:

Fryer, Gordon  
Humphries, J. M.  
Rainey, E. M.

## Balls, J. G.

## COALGATE:

Brunson, D. D.

## LIST OF MEMBERS ELECTED AT 1917 MEETING.

Bird, J. W., Enid  
Cavaness, D. M., Chickasha  
Coffield, J. D., Lindsay  
Cosgrove, James W., Muskogee  
Curran, John F., Enid  
Cullison, James B., Enid  
Farmer, W. C., Wetumka  
Flemming, O. J., Enid  
Garber, M. C., Enid  
Gregg, W. R., Pawhuska  
Harrison, W. H., Poteau  
Holden, Chas. A., Pawhuska  
Holcombe, M. L., Pawhuska  
Hudson, R. H., Bartlesville  
Humphrey, Paul N., Pawhuska

Keith, I. P., McAlester

Lee, A. J., Enid

McCarty, Paul J., Oklahoma City

Manatt, Guy A., Enid  
Moore, W. L., Enid  
Miley, John H., Oklahoma City

O'Neill, Thos. J., Chickasha

Putnam, I. M., Ardmore

Ramddell, Frank E., Arnett  
Reeves, Geo. E., Tulsa  
Roe, W. L., Frederick  
Roseman, C. D., Enid

Smith, Robert E., Enid  
Sturgis, Henry J., Enid

Wilson, John B., Frederick  
Worton, Jesse J., Pawhuska

Zinser, A. L., Enid

## MEMBERS BY CITIES.

**ADA:**  
Epperson, B. H.

**ANADARKO:**  
Ballinger, Dyke  
McKnight, L. E.

**ARDMORE:**  
Brown, H. H.  
Bunn, C. O.  
Hardy, A. J.  
Mills, S. A.  
Slough, E. D.  
Sigler, Guy A.

**ALVA:**  
Womack, T. J.

**ALTUS:**  
Rogers, John H.  
Robinson, T. M.  
Pelly, L. A.

**ATOKA:**  
Fryer, Gordon  
Humphries, J. N.  
Rafney, R. M.  
Ralls, J. G.

**BLACKWELL:**  
Curran, J. E.

**BARTLESVILLE:**  
Barker, Norman  
Brennan, John H.  
Blue, Burdette  
Hayes, John L.  
McCoy, Hayes

**CHEROKEE:**  
Titus, A. J.

**CHANDLER:**  
Foster, Emery  
Rittenhouse, F. A.

**CHICKASHA:**  
Bailey, F. M.  
Barefoot, B. B.  
Bond, Reford  
Carmichael, J. D.  
Venable, John H.  
Caviness, D. M.  
O'Neil, Thos. J.

**CORDELL:**  
Burnette, S. C.  
Beets, A. M.  
Duff, J. A.

**DURANT:**  
Abbott, Chas. P.  
Connell, J. V.  
Ferguson, A. H.  
Hatchett, C. C.  
Hayes, V. B.  
McDonald, D. S.  
McPherren, Chas. E.  
Parker, Chas. C.

Tyree, W. T.  
Utterback, W. E.

**DUNCAN:**  
Riley, Chilton  
Sandlin, J. M.

**EUFULA:**  
Tully, C. H.

**EL RENO:**  
Babcock, Lucius  
Blake, C. O.  
Fogg, H. L.  
Moore, W. H.  
Roberts, R. J.  
Trevathan, J. L.

**ENID:**  
Bird, J. W.  
Curran, Jno. F.  
Cullison, Jas.  
Flemming, O. J.  
Garber, M. C.  
Hills, W. H.  
Kruise, Carl  
Lee, J. A.  
Manatt, Guy A.  
Moore, W. L.  
McKeever, H. G.  
Roseman, C. D.  
Smith, Robert E.  
Sturgis, Henry J.  
Zinser, A. L.

**ELDORADO:**  
Austin, W. C.

**FREDERICK:**  
Roe, W. G.  
Wilson, John B.

**GRANITE:**  
Van Dyke, B. F.

**GROVE:**  
Coppedge, Ad V.

**GUTHRIE:**  
Cotteral, J. H.

**GEARY:**  
Dyer, C. F.

**HOLDENVILLE:**  
Diamond, H. H.  
Lewis, Roy S. (Army)  
Lucas, Clive O. (Army)  
Turner, John E.  
Walker, Lafayette

**HOBART:**  
Hays, John T.  
Logan, Oran J.  
Rummons, N.  
Tolbert, Jas. R.  
Tolbert, R. A.

**HENRYETTA:**  
Hummer, R. B. F.

**BOMINY:**

Hall, Leander  
 Lindsey, F. D.  
 Sutherland, G. K.

**KINGFISHER:**

Bowman, G. L.

**LINDSAY:**

McArthur, C. L.

**LAWTON:**

Black, Chas. C.

**MULDROW:**

Watts, Thos. J.

**MUSKOGEE:**

Campbell, R. E.  
 Cate, Roscoe S.  
 Cosgrove, Jas. W.  
 Denton, J. C.  
 Donovan, Irwin  
 Foster, E. H.  
 Furry, J. B.  
 Gibson, N. A.  
 Green, Maurice D.  
 Harris, C. E.  
 Hopkins, Phillip B.  
 Hutchins, W. T.  
 Jackson, C. L.  
 Jones, E. B.  
 Mosier, John H.  
 Motter, Edw. C.  
 Moon, Chas. A.  
 Noffsinger, W. W.  
 Powell, Jas. L.  
 Ramsey, Geo. S.  
 Roach, L. J.  
 Rutherford, S. M.  
 Rosser, M. E.  
 Schaffer, F. F.  
 Stone, J. C.  
 Stoutz, Richard Wm.  
 Vernor, Enloe V.  
 Zevely, J. W.

**MOORE:**

Cowan, Jos. A.

**McALESTER:**

Anderson, F. G.  
 Arnote, J. S.  
 Gordon, J. H.  
 Keith, I. P.  
 Markley, A. C.

**MIAMI:**

Adams, F. D.  
 Austin, J. G.  
 Durant, H. B.  
 Fitzgerald, E. C.  
 Mason, O. F.  
 McNaughton, Ray  
 Thompson, A. Scott  
 Thompson, Vern E.  
 Wallace, A. C.

**NOWATA:**

Chase, W. A.  
 Lawson, E. B.

**NEWKIRK:**

Sullivan, Sam K.

**NORMAN:**

Eagleton, W. L.  
 Kulp, Victor  
 Monett, J. C.  
 Williams, Ben F.

**OKLAHOMA CITY:**

Ames, C. B.  
 Asp, Henry E.  
 Barnes, Geo. G.  
 Bell, R. E.  
 Black, Oliver C.  
 Blake, E. E.  
 Bledsoe, S. T. (Life Member)  
 Boardman, Homer N.  
 Boys, A. T.  
 Brasted, Fred  
 Brewer, P. D.  
 Brown, Jas. L.  
 Buckholts, E. E.  
 Burns, Robert  
 Calhoun, S. A.  
 Campbell, R. M.  
 Carter, Dorset  
 Burford, J. H.  
 Chambers, T. G.  
 Chambers, T. G., Jr. (Army)  
 Classen, A. H.  
 Crockett, A. P.  
 Cruce, A. C.  
 Cruce, M. K.  
 Day, Jean P.  
 Dudley, J. B.  
 Embry, John  
 Estes, J. S.  
 Everest, J. H.  
 Fisher, F. W. (Army)  
 Fitzpatrick, Kirby (Army)  
 Freeling, S. P.  
 Fulton, Elmer L.  
 Galbraith, C. A.  
 Grant, J. H.  
 Green, Geo. M.  
 Harris, V. V.  
 Harris, D. H.  
 Harrod, J. Q. A.  
 Haskell, Norman R.  
 Hayes, S. W.  
 Hayson, Jno. W.  
 Henshaw, Geo. A.  
 Hoffman, Roy (Army)  
 Horton, S. A.  
 Howell, Edw.  
 Hurst, Homer S. (Army)  
 Jackson, W. C.  
 Johnson, O. J.  
 Johnson, Chas. Edw.  
 Johnston, D. I.  
 Kane, M. J.  
 Kidd, C. B.  
 Kleinschmidt, R. A.  
 Kroeger, H. A.  
 Ledbetter, W. A.  
 Lowe, Russell G.  
 Martin, John F.  
 McAdams, E. G.  
 McCarty, Paul J.  
 McDonald, A. A.



- McMahan, M. G.  
 Melster, M. G.  
 Moore, C. L.  
 Meyers, John H.  
 Oliver, H. G.  
 Owen, F. B.  
 Owen, Thos. H.  
 Peck, H. M. (Army)  
 Pope, Paul M.  
 Price, O. L.  
 Richardson, D. A.  
 Robertson, J. B. A.  
 Ross, J. S.  
 Rittenhouse, G. B.  
 Sharp, J. F.  
 Shartel, J. W.  
 Shartel, Kent W.  
 Shear, B. D.  
 Stanley, Grant  
 Stuart, H. L.  
 Stuart, C. B.  
 Suits, Fred E.  
 Tyler, A. H.  
 Tomerlin, John  
 Treadwell, S. C.  
 Vaught, Ed S.  
 Walker, E. A.  
 West, A. T.  
 Wells, Frank  
 West, Chas. (Army)  
 Williams, R. L.  
 Wilson, W. F.  
 Woods, Chas. H.  
 Walker, Paul A.  
 Withington, W. R. (Army)
- OKMULGEE:**  
 Bozarth, Mark L.  
 Childers, J. W.  
 Matthews, Wm. M.  
 McCrory, C. B.  
 Monk, D. C.  
 Dickson, Chas. A.
- POTEAU:**  
 Flemming, J. E.  
 Varner, T. T.  
 Harrison, W. H.  
 Bolger, P. C.
- PERRY:**  
 Cress, P. W.
- PAULS VALLEY:**  
 Blanton, J. T.  
 Bowling, R. E.
- PAWNEE:**  
 Clark, E. M.  
 Orton, L. V.  
 Shoemaker, F. C.
- PAWHUSKA:**  
 Grinstead, E. E.  
 Leahy, T. J.  
 Gregg, W. R.  
 Humphrey, Paul N.  
 Mason, H. D.  
 McDonald, C. S.  
 Mitchell, Jos. D.  
 Sands, A. S.  
 Scott, E. F.  
 Templeton, C. K.
- Widdows, A. M.  
 Worten, Jesse J.  
 Holden, Chas. A.  
 Homcombe, M. L.  
 Horsley, D. B.
- STIGLER:**  
 Curry, Guy A.
- SHAWNEE:**  
 Abernathey, G. C.  
 Sturdevant, Kittie C.  
 Wahl, J. H.  
 Wells, C. E.
- STILLWATER:**  
 Hickam, John P.
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 Gipson, E. H.
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 Hughes, E. B.  
 McDougal, D. A.  
 Thompson, R. B.  
 Thrift, J. E.
- TALIHINA:**  
 Harper, J. B.
- TULSA:**  
 Black, Geo. E.  
 Bell, Albert H.  
 Biddison, A. J.  
 Bush, Chas. E.  
 Campbell, Harry  
 Carroll, Gray  
 Chick, John M.  
 Childress, Ethel K.  
 Davidson, R. L.  
 Deichman, Peter  
 Diggs, Jas. B.  
 Dillard, F. B.  
 Fellows, R. S.  
 Greenslade, Rush  
 Gubser, N. J.  
 Hatch, A. A.  
 Hindman, C. J.  
 Hunct, Albert C.  
 Kellough, E. W.  
 Klakadden, Geo. (Army)  
 Lewis, S. R.  
 Linn, Conn  
 Liedtke, Wm. C.  
 Means, John B.  
 Malloy, Pat  
 Morley, Rolos  
 Moss, A. F.  
 Oiler, Fred D.  
 O'Meara, J. P.  
 Peeke, F. A. (Army)  
 Reed, Frank H.  
 Rogers, John (Army)  
 Rogers, H. H.  
 Sherman, Roger  
 Smith, H. H.  
 Shea, J. J.  
 Veasey, Jas. A.  
 West, P. C.  
 Williams, W. I.  
 Woodford, J. W.

McCain, Farrar L.  
Reeves, Geo. E.  
DeMeules, Edgar A.

## VINITA:

Buchanan, Anselon (Army)  
Davenport, J. S.  
Kornegay, W. H.  
Wilson, D. H.

## WAGONER:

Blair, R. F.

Watts, Jesse W.

## WILBURTON:

Jones, Philos S.

## WETUMKA:

Farmer, W. C.

## WAURIKA:

Green, Guy

## WOODWARD:

Anderson, W. W.





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